



## **Attendance Policy**

This school's Attendance Policy is based upon the requirements contained within the following:

- The Education Act 1996;
- The Education (Pupil Registration) (England) Regulations 2006, as amended by The Education (Pupil Registration) (England) (Amendment) Regulations 2013;
- The Education (Penalty Notices) (England) Regulations 2007, as amended by The Education (Penalty Notices) (England) (Amendment) Regulations 2012 and The Education (Penalty Notices) (England) (Amendment) Regulations 2013;
- The Education (Pupil Registration) (England) (Amendment) Regulations 2016; and
- Department for Education Guidance as from time to time issued in respect of school attendance matters.

### **Introduction**

The Education Act 1996 requires parents to ensure their child receives an efficient full-time education, suitable to their age, ability, aptitude and any special needs they may have, either by regular attendance at school or otherwise. The Supreme Court has determined that 'regular' attendance means that which is **"in accordance with the rules prescribed by the school"** (Isle of Wight Council v Platt) (6<sup>th</sup> April 2017). Regular attendance for our school means attending school on every day that the school is open.

### **Commitment to Attendance**

Along with the other schools in the Wokingham Town West Cluster (Bearwood Primary, Emmbrook Infant, Emmbrook Junior, Hawthorns Primary, St Paul's C of E Junior, Walter Infant and Winnersh Primary) we recognise the clear connection between regular attendance and achievement and will, therefore, work in partnership with parents, the school's governing body and the Local Authority to ensure that pupils achieve maximum attendance.

### **Expectations**

We expect that all pupils will:

- Attend school every day for the entire duration of the academic year unless there are good reasons for their absence;
- Arrive at school on time;
- Be appropriately prepared for the day; and
- Notify their class teacher of any issues that may affect their school attendance.

We expect that all parents will ensure:

- They are fully aware of the school's attendance policy, their legal responsibilities; with regard to their child's education and the requirement to ensure their child's regular attendance at school;
- Their child attends school every day throughout the academic year unless school has approved the leave of absence;
- Their child arrives punctually and prepared for the school day;
- They telephone the school each day if their child is unable to attend due to illness or any other unavoidable circumstance;
- They provide a written explanation for the absence when their child returns to school, including providing medical evidence where requested;
- They avoid making medical, dental or other appointments during the school day;
- They notify school of any issues that may affect their child's attendance; and
- They advise school immediately of any changes to contact details.

School staff will:

- Ensure registers are taken promptly at 8.50 a.m. and again at the start of the afternoon session;
- Contact parents when a pupil has failed to arrive at school and where no message explaining absence has been received by 9.15 a.m.;

- Send a written request to parents where a pupil's absence is unexplained – *see note below on Authorised and Unauthorised Absence*;
- Provide parents with their child's percentage attendance at regular intervals (End of year reports);
- Work with parents when there are concerns over a pupil's lack of regular attendance;
- Notify the Education Welfare Service when a pupil fails to attend school regularly or when a pupil has missed 10 school days or more without permission: this being a legal requirement; and
- Notify the Education Welfare Service when a pupil has unauthorised absence of at least 10 sessions (5 days or more), whether consecutively or not, in a 10 school week period, this will result in the issuing of a penalty notice in accordance with Wokingham Borough Council's Code of Conduct. Appendix 1.
- Where absences persist then a formal referral should be made to the Education Welfare Service, which may result in the issue of a Penalty Notice or prosecution in the Magistrates' Court.
- Circumstances when a penalty Notice can be issued are located in Section 4 of the Code of Conduct. Appendix 1.

### **Authorised and Unauthorised Absence**

Authorised absence is when the school accepts the explanation offered as satisfactory justification or when the school considers the circumstances highly exceptional and has given approval in advance.

Unauthorised absence is when school does not accept an explanation as being reasonable justification for the absence, OR when no explanation has been provided despite a written request being sent to parents, OR when the Headteacher has not approved a request for leave of absence.

Parents should be aware that it is the Headteacher's decision whether to authorise an absence or not. In the case of long term or frequent absences due to illness or a medical condition, supporting medical evidence may be requested. This could be in the form of a date stamped compliment slip from a doctor's surgery or a copy of a prescription. (Please note that the school is not asking any parent to incur a charge for such information and will not be liable for any cost.)

### **Safeguarding response to a missing child**

Our procedures are designed to ensure that a missing child is found and returned to effective supervision as soon as possible. If a child fails to arrive for school, a member of the admin team will contact the parents to establish the child's whereabouts.

If the parent fails to contact the school to advise of an absence and does not respond to telephone calls or emails for two consecutive days, a member of staff will visit the home address to ascertain if the child is at home. If the whereabouts of the child still remains unknown, Wokingham Children's Services and the police will be notified. If a child goes missing from school, a member of staff will visit the home address to ascertain if the child has returned home, and the parents and police will be contacted.

If a child has had ten days of continuous unauthorised absence, we will complete and submit a CME form, updating it after 20 days, as per the requirements of the local authority.

We will also complete and submit a form if we become aware of any child who may be not in education at all (not including home educated children).

If a child leaves our school at any time during the academic year other than standard leaving times, we will complete and submit a CME Form.

If we have concerns that a child may have gone missing with their family, we will inform the Police and Children's Social Care.

Forms will be submitted to [CME@Wokingham.gov.uk](mailto:CME@Wokingham.gov.uk) and followed up by phone with Children Missing Education, Education Welfare Team, Alder Grove C of E Primary School, Alder Grove, Shinfield, RG2 9RA. Tel: 0118 9746055 or mobile 07595062541.

### **Punctuality/Lateness**

It is crucial that pupils arrive at school on time for registration at the beginning of the day. Lateness into school causes disruption to that individual's learning and to that of other pupils in the class. It is paramount, therefore, that all pupils arrive at school on time. The school site is open at 8.30 a.m. and the school playground gate closes at 8.50 a.m.

- Registration takes place at 8.50 a.m. and pupils who arrive after that time will be recorded as late to school.
- Registers close at 9.15 a.m. after which lateness is recorded as an unauthorised absence, (This could lead to formal legal action by the local authority if the problem persists).
- Persistent lateness by a pupil will initially be followed up by school staff and, if not resolved, will be referred to the Education Welfare Service.
- A letter will be issued to parents following four late entries in the register.

### **Pupils Leaving During the School Day**

- Pupils are not allowed to leave the premises without prior permission from the school.
- Parents should arrange medical, dental and other appointments outside of school time unless it is an emergency. Parents are requested to confirm in writing the reason for any planned absence, the time of leaving and the expected return time.
- Pupils must be signed out at the School Office on leaving the school and signed back in on their return.
- When a pupil is being collected from school, parents are requested to report to the School Office before the pupil is allowed to leave the site.
- If a pupil leaves the school site without permission their parents will be contacted. Should the school be unable to make contact with the family, it may be appropriate, in certain circumstances, to contact the Police and register the pupil as a missing person, or to contact Social Services. Refer to the Child Protection and Safeguarding Policy, 'Safeguarding response to a missing child'.

### **Term Time Leave of Absence**

In keeping with the schools in the Wokingham Town West Cluster, we actively discourage term time absence. Our purpose is to ensure pupils achieve their full potential and there is a clear link between poor attendance and underachievement. However, we also recognise that there may be occasions when a parent considers there are extenuating or compassionate reasons for such absence. The law has removed the right for schools to grant up to 10 days' leave of absence in special circumstances for the purposes of a family holiday and there is no automatic right to take any leave or holiday in term time. As outlined in the Education (Pupil Registration) (England) (Amendment) Regulations 2013, the Headteacher can only grant leave of absence if the circumstances are considered 'exceptional' in which case the pupil's absence will be authorised. The Headteachers of Wokingham Town West recognise that siblings from the same family may not attend the same school and will therefore work in close partnership to ensure a consistent and fair approach to authorising absence.

The school holiday dates, INSET days and other important dates are published on the school's website and parents are asked to note these when planning holidays and family events. If there are exceptional reasons for requesting leave of absence during term time, the following procedures will apply:

- The parents with whom the pupil normally resides must complete and submit a Leave of Absence form at least one school month in advance of the requested absence. Forms are available from the School Office and our website. The Headteacher will consider the application, and will decide whether the application can be granted because of 'exceptional' circumstances. Each application will be considered on a case-by-case basis depending upon the specific circumstances of the particular application. School will endeavour to respond within 5 working days of its submission.
- Where leave of absence is granted, the pupil's absence will be authorised.
- Supporting evidence may be asked for when considering 'exceptional' circumstances (Celebration invitations, letters from employers, travel itineraries, written evidence from employers restricting annual leave, formal notification from travel companies confirming changes to flight times/dates, written confirmation of secondary school interviews etc.)

- A one-off period of irregular attendance, such as an unauthorised period of leave in term time, can result in a referral being made to the Education Welfare Service and this may result in the issuing of a Penalty Notice in accordance with Wokingham Borough Council's Code of Conduct.
- Unauthorised absence of at least 10 sessions (5 days or more), whether consecutively or not, in a 10 school week period, will result in the issuing of a penalty notice in accordance with Wokingham Borough Council's Code of Conduct. Appendix 1.
- The amount payable on issue of a Penalty Notice is £60 per parent/carer, per child if paid within 21 days of receipt of the Notice, rising to £120 if paid between 22 and 28 days (Figures correct as of 06.05.20).
- If a Penalty Notice remains unpaid after 28 days, the matter may result in each parent/carer being liable for prosecution in the Magistrates Court for failure to ensure their child's regular attendance at school contrary to Section 444 of the Education Act 1996.

### **Addressing Attendance Concerns**

We collect attendance and absence data daily and weekly from the Registers. This information is forwarded to the Local Authority and the Department for Education. This collecting of data also enables us to identify those pupils whose attendance is giving cause for concern. Should this apply to your child, the Headteacher will write to you to make you aware of the concern. If your child's attendance does not show an improvement, you will be invited to attend a meeting with the Headteacher to agree an Attendance Action Plan.

### **The Education Welfare Service**

If your child's Attendance Action Plan fails to bring about the required improvement in attendance, we will consider making a formal referral to the Education Welfare Service that works to support schools, parents and pupils to promote and ensure good school attendance and punctuality. However, the Service also has a statutory responsibility to pursue non-school attendance and persistent lateness.

When a pupil is referred to the Education Welfare Service, various actions can be taken to address attendance concerns. In certain circumstances, and in accordance with Wokingham Borough Council's Code of Conduct, Penalty Notices may be used to bring about an improvement in a pupil's attendance. Before a Penalty Notice is issued, parents will be warned of their liability to receive such a notice.

The Fast Track Intervention may also be offered as an early intervention measure designed to ensure that appropriate action is taken to address school attendance concerns. Fast Track involves engaging parents and identifying what improvements and actions need to be achieved over a fixed period (usually 8 or 12 weeks).

Parents have a legal responsibility for ensuring their child attends school regularly. Where a parent fails in this responsibility and no improvement is brought about within the specified period, legal proceedings are initiated in the Magistrates' Court.

### **Promoting Good Attendance**

Excellent attendance throughout the year will be celebrated in a number of ways:

- Class attendance celebrated in assemblies and the newsletter
- Individual pupil Certificates for 100% attendance.
- Letters to parents for improved attendance and punctuality.

### **Changing Schools**

It is important that if parents decide to send their child to a different school that they inform the school in writing as soon as possible. A pupil will not be removed from our school roll until the following information has been received and investigated:

- The date the pupil will be leaving the school and starting the next;
- The address of the new school; and
- A new home address if appropriate is supplied.

The pupil's school records will then be sent to the new school. In the event that the school has not been informed of the above information, the family will be referred to the Education Welfare Service and after four weeks, the pupil will be registered on the S2S website as a Pupil Missing Education.

### **Elective Home Education**

Parents have a duty to ensure that their child receives a suitable full-time education either by regular attendance at school or otherwise. The law allows parents to choose to educate children at home instead of sending them to school. This is known as Elective Home Education.

Should parents wish to follow this route, they need to put this in writing to the Headteacher with a request that their child is removed from the school roll. School will then inform the Education Welfare Service and arrangements will be made to monitor the education put in place at home.

### **Governors**

It is the Governors' legal responsibility to monitor and evaluate attendance at our school and our figures are presented to the Governing Body on a half-termly basis. The Learning and Teaching Committee has specific responsibility for overseeing attendance matters in our school.

### **Links with other policies**

- Child Protection and Safeguarding Policy

### **HISTORY**

<b>Date</b>	<b>Reference</b>	<b>Amendments</b>
March 2018	Version 1	Policy produced in consultation with Wokingham Town West Cluster Schools.
May 2020	Related Documents  Coronavirus (Covid-19)	Inclusion of reference to The Education (Pupil Registration) (England) (Amendment) Regulations 2016. Temporary addendum to reflect the relaxing of the law in response to the Covid-19 outbreak.
April 2022	Version 2	Inclusion of: <ul style="list-style-type: none"><li>• references to the issuing of Penalty Notices in accordance with WBC Policy</li><li>• reference to Child Protection and Safeguarding Policy</li><li>• links with other policies</li><li>• appendices relating to WBC Penalty Notices</li><li>• Safeguarding Response to a missing child (Safeguarding &amp; Child Protection Policy) added.</li></ul>

### **Appendix 1**



**WOKINGHAM  
BOROUGH COUNCIL**

### **PENALTY NOTICE Code of Conduct**

### **Background**

Wokingham Borough Council's Children's Services are committed to raising standards in education. They recognise that this can be achieved only if pupils are in regular attendance at schools and acknowledge the long established correlation between the absence from pupils at school and poor academic achievement. Good attendance results in higher academic attainment.

- 1.2 In order to comply with the requirements of Human Rights legislation Penalty Notices must be issued in a consistent manner. The measures detailed in this Code of Conduct govern the issuing of Penalty Notices in Wokingham.

## **2 Legal Basis:**

- 2.1 Section 23 of the Anti-social Behaviour Act 2003 empowers designated LA officers, Head Teachers (& Deputy and Assistant Head Teachers authorised by them) and the Police to issue Penalty Notices in cases of unauthorised absence from school.

The Education (Penalty Notices) (England) Regulations 2007 came into force on 1<sup>st</sup> September 2007.

- 2.2 The issuing of Penalty Notices must conform with the requirements of the Human Rights Act and Equal Opportunities legislation.

- 2.3 The LA has the prime responsibility for developing a protocol within which all partners named in the Act will operate.

- 2.4 Where an unauthorised absence has been dealt with by way of a Penalty Notice, it is not possible for a parent/carer to be prosecuted for the same period of unauthorised absence under Section 444 of the Education Act 1996.

## **3 Rationale:**

- 3.1 Regular and punctual attendance at school is both a legal requirement and essential for pupils to maximise their educational opportunities.

- 3.2 In law an offence occurs if a parent/carer fails to secure a child's attendance at a school at which they are a registered pupil and that absence is not authorised by the school. Penalty notices supplement the existing sanctions currently available under Section 444, Education Act 1996 or Section 36, The Children's Act 1989 to enforce attendance at school where appropriate.

- 3.3 In Wokingham the Education Welfare Service (EWS) delivers this LA responsibility.

- 3.4 Parents/carers and pupils are supported at school and LA level to overcome barriers to regular attendance through a wide continuum of assessment and intervention strategies. Sanctions of any nature are for use only where parental co-operation in this process is either absent or deemed to be insufficiently effective to resolve the presenting problem.

- 3.5 Sanctions are never used as a punishment, only as a means of enforcing attendance where there is a reasonable expectation that their use will secure an improvement.

## **4 Circumstances where a Penalty Notice may be issued:**

- 4.1 A Penalty Notice can only be issued in cases of unauthorised absence. Use of Penalty Notices will be restricted to two per pupil in any 12 month period. In cases where families contain more than one poor-attending pupil multiple issues may occur but this will be the subject of careful consideration and coordination. Each parent/carer will receive a Penalty Notice for each pupil.

- 4.2 There will be no restriction on the number of times a parent/carer may receive a formal warning of a possible issue of a Penalty Notice.

4.3 The issuing of a Penalty Notice will usually be considered appropriate in the following circumstances (these are cited as examples and are not meant to be exhaustive):

- overt truancy (including pupils caught on truancy sweeps)
- parentally-condoned absences
- unauthorised holidays in term-time –5 days or more
- excessive delayed return from authorised extended holidays without prior school agreement – i.e. 2 days
- persistent late arrival at school (after the Register has closed) - i.e. 10 occasions in a 10 school week period.
- less than 80% attendance, the absences being unauthorised; during a 4 school week period
- a pupil having been excluded from a Wokingham School, being found present in a public place, during school hours, without reasonable justification.

4.4 To ensure consistent delivery of Penalty Notices the following criteria will apply:

- Other than in specific circumstances\* the liable parent/carer will receive a formal warning of the possibility of a Penalty Notice being issued and given a maximum of 15 school days to effect an improvement.

\* no warning given when absence is due to unauthorised holiday.

- The deliberate taking of a holiday in term time without/against school permission (where it can be clearly demonstrated that the parents/carers understood that permission had not/would not be given) and where this has created unauthorised absence of at least 10 sessions (5 days or more), whether consecutively or not, in a 10 school week period, will result in the issuing of a penalty notice.

4.5 Schools must consider every aspect of a pupil's case before considering whether a Penalty Notice would be appropriate. This must include strategic discussions with the schools named Education Welfare Officer (EWO) and any services which have involvement with or knowledge of the pupil/family.

## **5 Procedure for Issuing Penalty Notices:**

5.1 In Wokingham all Penalty Notices will be issued through the Education Welfare Service (EWS). This will ensure consistent and equitable delivery, retain home-school relationships and allow cohesion with other enforcement sanctions.

5.2 The decision about whether the criteria are met for issuing a fine will be made by the Education Welfare Service.

5.3 Penalty Notices will only be issued by post and never as an on the spot action; this is to satisfy that all evidential requirements are in place. First class post and certificate of posting will be used.

5.4 The EWO will receive requests to issue Penalty Notices from schools, Thames Valley Police and neighbouring LA's. These requests will be actioned, provided that:

- all relevant information is supplied in the specified manner,

- the circumstances of the pupil's absence meets all the requirements of this Protocol,
- the issue of a Penalty Notice does not conflict with other intervention strategies in place or other enforcement sanctions already being processed.

5.5 The EWS will respond to all requests within 10 school days of receipt and where all criteria are met will:

- Issue a formal written warning to the parents/carers of the possibility of a Penalty Notice being issued.
- In the same letter set a period of 15 school days within which the pupil must have no unauthorised absence.
- Issue a Penalty Notice through the post at the end of the 15-day period if the required level of improvement has not been achieved.
- Issue a Penalty Notice for unauthorised holiday absence only after the holiday/absence has occurred

## **6 Procedure for withdrawing Penalty Notices:**

6.1 Once issued, a Penalty Notice will only be withdrawn in the following circumstances:

- proof has been established that the Penalty Notice was issued to the wrong person, or
- the use of the Penalty Notice did not conform to the terms of this Protocol, or
- There is a material error in the Penalty Notice

## **7 Payment of Penalty Notices:**

7.1 Arrangements for payment will be detailed on the Penalty Notice.

7.2 Payment of a Penalty Notice discharges the parent/carer liability for the period in question and they cannot subsequently be prosecuted under other enforcement powers for the period covered by the Penalty Notice.

7.3 Payment of a Penalty Notice within 21 days is £60, per parent/carer per pupil, and payment after this time, but within 28 days, is £120.

7.4 The LA retains any revenue from Penalty Notices to cover enforcement costs (collection or prosecuting in the event of non-payment).

## **8 Non-payment of Penalty Notices:**

8.1 Non-payment of a Penalty notice, other than those for unauthorised holiday absence, will trigger the fast-track prosecution process under the provisions of Section 444 of the Education Act 1996.

8.2 Non payment of a Penalty Notice issued for unauthorised holiday absence will result in immediate referral for prosecution for non-school attendance. Where a prosecution does not result following non-payment then the Penalty Notice will be withdrawn under Regulation 9 of the 2007 Regulations.

## **9 Policy & Publicity**

9.1 Deployment of Penalty Notices as a sanction is included in the Authority's Attendance Policy.

9.2 All school Attendance Policies should include information on the deployment of Penalty Notices and this will be brought to the attention of all parents/carers.

9.3 The LA will include information on the use of Penalty Notices and other attendance enforcement sanctions in promotional/public information material.

## **10 Reporting & Review:**

10.1 The EWS will prepare and publish an annual report on the number of Penalty Notices issued and their outcomes

10.2 The EWS will review Penalty Notice use at regular intervals and amend the general enforcement strategy as appropriate.

### **Penalty Notice**

#### **S.444A EDUCATION ACT 1996**

Please read the notes overleaf carefully.

#### **PART 1**

If a child of compulsory school age who is a registered pupil at a school fails to attend regularly at the school, his/her parent/carer is guilty of an offence under s.444 Education Act 1996.

To: Title: ... Surname:

Forename: ...

Of: Address:

.....

Postcode: ... ..

You are a parent of (called in this notice "the pupil") who is a registered pupil at school.

Between .....and..... the pupil failed to attend regularly at the school and absences were unauthorised..

This notice gives you the opportunity to pay a penalty fine instead of being prosecuted for the offence given above. The amount of the penalty is £60/£120 in accordance with the table overleaf. If you pay this penalty within the time limits set out below, no further action will be taken against you in connection with the offence as set out in this notice.

Payment should be made within 21 days. If paid after 21 days but within 28 days the penalty is doubled to £120. Payment should be made to Wokingham Borough Council and can be made in person at Shute End, Wokingham (during office hours) *using the pay-in machine on the ground floor*, or by posting this notice with a cheque or postal order to Education Welfare Service, Brambles Area Team, Budes Gardens, Wokingham, RG40 1PX.

Late or part payments will not be accepted and no reminders will be sent. **If payment is not received by (insert date 28 days from date of issue), you may be prosecuted for the offence and could be subject to a fine of up to £1,000. [£2500]**

This notice is issued by (name) (official particulars) of (address/employer) (within Wokingham LA).

Date of Issue:

21 days: ...

28 days:

NOTES:

### Penalty Notice Table

£60 - if payment made within 21 days

£120 - if payment made between 22 and 28 days

Prosecution: if no payment received by day 28

### Payment

By cheque or postal order payable to Wokingham Borough Council

### By Post

To Education Welfare Service, Brambles Area Team, Budes Gardens, Wokingham RG40 1PX.

**By Person**

Cash Office Pay-in Machine, Shute End.

DRAFT

## Penalty Notice Payment Form

### Part 2

Please complete the following and return this notice with your payment to Wokingham Borough Council, Brambles Area Team, Budes Gardens, Wokingham, RG40 1PX or take this with you if you intend paying in person to the pay-in machine at Shute End.

Name:

.....

Address:

.....

Pupil Name.....

I attach payment in the sum of £.....

Signed:

.....Date:.....

Revenue Code: 40026 3201

### NOTES

#### 1. Contact Details.

If you have any queries about this notice, please contact Wokingham Local Authority at Education Welfare Brambles Area Team, Budes Gardens, Wokingham RG41 1PX.

#### 2. Amount of penalty.

The amount of penalty is as follows:

##### **When paid**

Within 21 days £60

Within 28 days £120

#### 3. Code of Conduct.

This notice is issued in accordance with the PN code of conduct drawn up by the Wokingham LA. Any questions or correspondence about the code should be addressed to the Principal EWO in the Children's Services Department

#### 4. Withdrawal.

The Wokingham LA may withdraw this notice if it is shown that it should not have been issued to you or has not been issued to you in accordance with the local code of conduct. If you believe that the notice was wrongly issued you must contact the LA to ask for it to be withdrawn as soon as possible, stating why you believe the notice to have been incorrectly issued. The LA will consider your request and will contact you to let you know whether the notice is withdrawn. If the notice is not withdrawn and you do not pay, you will be liable to prosecution for the offence that your child has failed to attend school regularly.

#### 5. Payment.

You should complete the notice above and send or deliver it to the LA at the address given.

#### 6. Prosecution.

If you do not pay the penalty, and the notice is not withdrawn, you will be prosecuted for the offence of failing to ensure your child's regular attendance at school. You will receive a separate summons for this which will give you notice of the time and date of the court hearing. You will be able to defend yourself and you would be advised to seek legal representation. In some circumstances you may be entitled to legal aid.