Hemingbrough CP School

Attendance Policy
Amended for COVID 19 Period

Date of Next Review	**Feb 2022 2020**	**Responsibility**	*Policy Committee*
Date of Policy Creation	**Adapted school written model**	**Responsibility**	*Laura Ward (Chair)*
Date of Policy Adoption by Governing Body	**Nov 2016**	**Responsibility**	*Chair of Governors*
Method of Communication Website			

Aims and Ethos

The aim of this policy is to minimise the amount of time lost to term-time holidays in order to maximise the educational potential of every child. This can be achieved with the support of parents/carers by ensuring holidays in term time are not taken in school time unless there is exceptional circumstances. There are 175 days each year when your child is not in school. Absence for any reason during term time interrupts a child's education and disrupts educational progress.

At Hemingbrough Community Primary School we strive to ensure that every child will want to attend school. This will be achieved by creating a warm, welcoming and secure atmosphere where the pupils feel valued and a stimulating and accessible curriculum delivered in a physically clean, bright and attractive environment.

The school will try to ensure that all pupils achieve maximum possible attendance and that any problems that impede full attendance are identified and acted upon as soon as possible.

Regulations and Guidance to which the school must adhere

1. **Absence in term time – The Education (Pupil Registration) (England) Regulations 2006**

The law says that parents / carers do not have the right to take their child out of school for a holiday during term time. Amendments to the Education (Pupil Registration) Regulations 2006 came into operation from 1st September 2013. These Amendments to the regulations remove references to family holiday and extended leave as well as the statutory threshold of ten school days. The amendments make clear that headteacher may not grant any leave of absence during term time unless there are exceptional circumstances. Headteachers should determine the number of school days a child can be away from school if the leave is granted.

2. **Issuing of penalty notices – The Education (Penalty Notices) (England) Regulations 2007**

Amendments have been made to the 2007 Regulations in the Education (Penalty Notices) (England) (Amendment) Regulations 2013. These amendments, as described below, will come into force on 1 September 2013.

The 2007 regulations set out in the procedures for issuing penalty notices (fines) to each parent who fails to ensure their children's regular attendance at school or fails to ensure that their excluded child is not in a public place during the first five days of exclusion. Parents must pay £60 if they pay within 28 days; or £120 if they pay within 42 days.

Amendments to 2007 regulations will reduce the timescales for paying a penalty notice. Parents must, from September 2013, pay £60 within 21 days or £120 within 28 days. This brings attendance penalty notices into line with other types of penalty notices and allows local authorities to act faster on prosecutions.

- Parents have a duty to ensure that their child attends school regularly where there is a child registered at a school and they are of compulsory school age
- School has a responsibility to record attendance and follow up absence

- School has the availability to issue sanctions, including fixed penalty notices in line with the local authorities' code of conduct

Definition of a parent

A parent means:

- All natural parents, whether they are married or not;
- Any person who has parental responsibility for a child or young person; and,
- Any person who has care of a child or young person i.e. lives with and looks after the child.

The local authority and school will need to decide who comes within the definition of parent in respect of a particular pupil when using the legal measures, but generally parents include all those with day to today responsibility for a child.

Context of the school attendance measures

Parents of children of compulsory school age are required to ensure that they receive efficient full time education, whether by regular school attendance or otherwise. In most cases children attend school. Parents are thus primarily responsible for ensuring that children attend and stay at school.

Parents are responsible for making sure that their children of compulsory school age receive a suitable full-time education. This can be by regular attendance at school, an alternative provision, or otherwise (e.g. the parent can choose to educate their child at home).

A child reaches compulsory school age on or after their fifth birthday. If they turn 5 between 1 January and 31 March they are of compulsory school age on 31 March; if they turn 5 between 1 April and 31 August they are of compulsory school age on 31 August. If they turn 5 between 1 September and 31 December, then they are of compulsory school age on 31st December.

At Hemingbrough we ask that parents inform the school of any absence or lateness before 9.00am and send their child with a note on their return. This note should state the reason for the absence. If we have not received notification of a child's absence the administrative staff will telephone the parents on the main contact number or the second contact number.

School Attendance Orders

If it appears to the local authority that a child of compulsory school age is not receiving a suitable education, either by regular attendance at school or otherwise, then they must begin procedures for issuing a School Attendance Order. The order will require the child's parents to register their child at a named school. If they fail to comply with the order the parent can be prosecuted.

Prosecutions by local authorities

If a child of compulsory school age fails to attend regularly at a school at which they are registered or at a place where alternative provision is provided for them the parents may be guilty of an offence and can be prosecuted by the local authority. Only local authorities can prosecute parents and they must fund all associated costs. Local authorities should consider the Attorney General's Guidelines for Crown Prosecutors in all prosecution cases.

Local authorities must conduct all investigations in accordance with the Police and Criminal Evidence (PACE) Act 1984.

Local Authorities have the power to prosecute parents who fail to comply with a school attendance order (section 443 of the Education Act 1996) or fail to ensure their child's regular attendance at a school (section 444 of the Education Act 1996).

Section 444 had two separate but linked offences: Section 444(1): where a parent fails to secure the child's regular attendance; and section 444(1A) where a parent knows that the child is failing to attend school regularly, and fails to endure the child does so.

Section 444ZA applies the offence to where parents fail to secure the regular attendance of their child at a place where alternative provision is provided. There are statutory defences for parents to use under the Act. The fines available to the course it parents are found guilty of the section 444(1) offence include a level 3 fine of up to £1000. If they are found guilty of the section 444(1A) the fine is at a level 4, up to £2500 and the course can also sentence them to imprisonment for up to three months.

Local authorities have the power to prosecute parents of pupils found in a public place during school hours after being excluded from school. The fine is a level 3 fine of up to £1000.

Education Supervision Orders

The local authority must consider applying for an Education Supervision Order (ESO) before prosecuting parents. A local authority may apply for an ESO instead of or as well as prosecuting parents. The order is places on the child and

the local authority is appointed by the court to supervise that child's education either at school or at home for a specified period of time.

Penalty Notices

Penalty notices are fines of £60 / £120 imposed on parents. They are an alternative to the prosecution of parents for failing to ensure that their child of compulsory school age regularly attends the school where they are registered or at a place where alternative provision is provided. Penalty notices can be issued to each parent liable for the attendance offence of offences.

Penalties can be used where the pupil's absence has not been authorised by the school.

Penalties may also be issued where parents allow their child to be present in a public place during school hours without reasonable justification during the first five days of a period or permanent exclusion. The parents must have been notified by the school at the time of the exclusion of this and the days to which it applies.

The Code of Conduct

The Education (Penalty Notices) Regulations 2007 set out the details of how the penalty notice scheme must operate. This includes a requirement that every local authority must draw up and publish a Code of Conduct for issuing penalty notices, after consulting all schools, including academies, and the police. The code should set out the criteria that will be used to trigger the use of a penalty notice. These could include: a number of unauthorised absences, perhaps within a rolling academic year; one-off instances of irregular attendance such as holidays taken during term time without the school's permission; and where an excluded child is found in a public place during school hours without a justifiable reason.
The local authority administers the scheme for all schools in its area, including academies and Free Schools.

Payment of Penalty Notice (from the 1st September 2013)

The penalty is £60 if paid within 21 days of receipt rising to £120 if paid after 21 days but within 28 days. The payment must be paid direct to the local authority. The parents can only be prosecuted if 28 days have expired and full payment has not been made.
There is no right of appeal by parents against a penalty notice. If the penalty is not paid in full by the end of the 28 day period the local authority must decide either to prosecute for the original offence to which the notice applies or withdraw the notice.

Can schools decide whether parents should be prosecuted or not?

No. Only local authorities can make decisions on whether parents should be prosecuted for school attendance offences. All schools (including academies) have a duty to refer absence (authorised and unauthorised) to the relevant local authority. This may include any evidence to show how they supported the pupil and parent to improve attendance. It is for each local authority to judge each referral on its own merits and make a decision on the next probable cause of action.

It is the statutory duty of local authorities to carry out investigations including witness statements leading up to prosecutions. Local authorities should conduct all investigations in accordance with PACE and Attorney General's Guidelines for Crown Prosecutors. Local Authorities cannot delegate this function to schools (including academies) or charge them for this service.

School Procedures for requesting an absence in term time

Any parents or carers wanting to request to take their children out of school during term time will need to make an appointment with Mrs Chappell to discuss the request in the first instance. Any request must be made a minimum of six weeks (excluding emergency and unforeseen events) before the intended absence is to be taken, and we strongly advise parents / carers not to book any holiday until request for leave has been obtained.

Each leave application is considered individually by the school taking into account any factors presented by the family.

The following are examples of the criteria for leave of absence, which may be considered as exceptional:

- Service personnel returning from active deployment
- Where inflexibility of the parents' leave or working arrangement is part of the organisational or company policy. This would need to be evidenced by the production of confirmation from the organisation / company
- Where leave is recommended as part of a parents or child's rehabilitation from medical or emotional problems. Evidence must be provided.
- When a family needs to spend time together to support each other during or after a crises

This is not an exhaustive list and the Headteacher will consider the individual circumstances of each case when making a decision on this matter. Leave is only acceptable against exceptional circumstances and should not be granted on the basis of attendance record, academic performance or the experience offered by being out of school. Where a Headteacher feels that there may be exceptional circumstances which do not fit the criteria, they may refer to the local authority for advice. The decision of the Headteacher is, however, final.

Please note that the ability to access a reduced cost of a holiday does not constitute an exceptional circumstance.

Where a child is taken out of school for the purpose of leave of absence in term time without the permission of the school, the absence will be coded as unauthorised and as such may result in a Penalty Notice. Penalties are applied by the Local Authority and as such are not at the discretion of the Headteacher. If a Penalty Notice is not paid, the matter may be taken to prosecution in the Magistrates Court.

Parent / carers will be notified in writing of the decision for a holiday in term time within 10 school days of the date of the application.

If the holiday in term time is agreed it will be recorded as 'H' on the school attendance registers (authorised absence).

If the school does not agree to grant the leave for the holiday and the parents/carers take their child on holiday then this will be recorded as unauthorised absence 'G' (family holiday not agreed).

Should the child fail to return to school within 10 school days of the agreed return date and there is no communication from parents / carers the school may remove the child from the school roll.

The following guidance and procedural information for parents and carers is also available in the school prospectus.

Procedures for following up an unexplained absence

If an absence is classified as unexplained the class teacher should inform the Headteacher. The Headteacher / admin staff will endeavour to contact the parent by either phone or letter to seek clarification on the absence.

If the Headteacher is unable to gain clarification then have the absence classed as unauthorised and, where appropriate, the Education Social Worker will be contacted.

If a child is absent from school for a long period of time, the school will maintain contact with the child and provide the child with appropriate school work (if this is feasible).

Lateness

Lateness will be recorded in the register by means of the appropriate symbol. If lateness follows a persistent pattern or occurs frequently the Headteacher should be informed.

Pupils who are regularly late will receive help from schools to try to improve their punctuality.

It is the school's view that it is insensitive to criticise children if the causes of their lateness is beyond their control.

The school regards lateness as arriving more than 5 minutes after the recognised school starting time.

Returning to school following sickness

Pupils and staff suffering from diarrhoea or vomiting should not return to school until at least 48 hours after the last episode of diarrhoea or vomiting. Whilst the school appreciates that this can present difficulties for some parents, as it may require them to take time off work themselves or arrange other child care, it is felt to be in the best interest of the overall school body. Should a child attempt to return to school inappropriately, a firm stance will be taken by school and parents will be contacted to collect their child.

Communicating this Policy to Parents

There is a need for parents to be aware of their responsibilities regarding school attendance. The school procedure regarding authorised and unauthorised absence is included in the prospectus. Copies of this Policy are available to all parents on the school website.

Rewarding attendance

The school will:

- reward good attendance and punctuality with certificates at the end of each term.
- hold weekly Class Attendance Competition
- inform parents each half term of cumulative attendance – persistent absentees will be reported to the Educational Social Worker.

Appendix 1

PENALTY NOTICE
CERTIFICATE OF ABSENCE

Section 444 Education Act 1996

This form is to be completed by the Headteacher. It will be used in legal action under the above Act relating to non-school attendance of a registered pupil at the school.

I certify that date of birth is a registered pupil of compulsory school age, on roll at School and that they had unauthorised absence from school on or between to for a reason that comes with within North Yorkshire's Code of Conduct for Penalty Notices.(In addition this pupil has also had unauthorised absences from school on the following occasions within the last six months.)

Week beginning: **Date:** **Month:**														**Totals**
Possible number ½ days														
Actual attendance														
Absence														

To the best of my knowledge, the person(s) with parental responsibility for this pupil are:

1. Surname First Name

   Address First Name

Declaration

I am the Headteacher of the school named. I hereby certify that the information given in this form is true to the best of my knowledge. The information has been extracted from the school's register of attendance which can be made available to confirm it is an accurate record.

Dated this…….day of……. 20

Signature……..Name(printed)……

Appendix 2

NORTH YORKSHIRE COUNTY COUNCIL **Children and Young People's Service**

Hemingbrough Community Primary School
School Road
Hemingbrough
Selby
North Yorkshire
YO8 6QS

Registered Charity No: 1048430

Hemingbrough CP School

Learn Laugh Succeed

Headteacher: Sarah Chappell B.Ed Hons. NPQH
Assistant HeadteachersRuth Hayes B.A.Hons.QTS
Chair of Governors: Laura Ward

Telephone/Fax: 01757 638266
E-mail: admin@hemingbrough.n-yorks.sch.uk
www.hemingbrough.n-yorks.sch.uk

DATE

Dear (full name parent / carers – letter sent to each indiv carer)

Request for exceptional leave in term-time.

I have considered carefully your request for leave in term-time and I have agreed to grant permission on this occasion for the following reasons:

Your child(ren) (names / dob of pupils) will be marked as authorised absence from (dates)

If your child(ren) do not return to school on this date, further absences will not be authorised. This means that you may be issued with a penalty notice. A penalty notice of £60 is payable within the first 21 days and rises to £120 thereafter. The Local Authority will take legal action may result in a fine of up to £1,000 and a criminal record for each parent.

Please note your child(ren) may lose their school place if they do not return to school after the agreed date.

A copy of this letter will be placed on your child(ren)'s school file.

Yours sincerely

Sarah Chappell
Headteacher

Appendix 3

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E-mail: admin@hemingbrough.n-yorks.sch.uk
www.hemingbrough.n-yorks.sch.uk

DATE

Dear (full name parent / carers – letter sent to each indiv carer)

Refusal for exceptional leave in term-time.

I have considered carefully your request for leave in term-time and on this occasion I will not be authorising your child(ren)'s absence.

This is because

If your child(ren) do not attend school during the dates you requested (insert dates) the absence will be recorded as unauthorised and a request to issue you with a penalty notice will be made.

A penalty notice of £60 is payable within the first 21 days and rises to £120 thereafter. The Local Authority will take legal action if the penalty notice is not paid within 28 days of date of issue. Legal action may result in a fine of up to £1,000 and a criminal record for each parent / carer.

A copy of this letter will be placed on your child(ren)'s school file.

Yours sincerely

Sarah Chappell
Headteacher