



Moorside High School

# *Attendance Policy*

Date Reviewed: .....January 2019 .....

Date of Next Review: .....January 2020.....

Reviewed by: .....Inclusion Committee .....

January 2019

## **PRINCIPALS:**

Promoting positive behaviour and excellent attendance is the responsibility of the whole school community.

The school will promote positive behaviour and good attendance through a broad and balanced curriculum. Good attendance and behaviour by pupils will be recognised appropriately. All children should be at school, on time, every day the school is open, unless the reason for the absence is unavoidable.

Some children may be reluctant to attend school. Any problems that arise with attendance are best resolved between the school, the parents and the child. If a child is reluctant to attend, it is never better to cover up their absence or to give in to pressure to excuse them from attending. This gives the impression that attendance does not matter and may make things worse. Permitting absence from school without a good reason is an offence by the parent.

This policy includes procedural referral agreements that are designed to promote and safeguard the welfare of pupils. Schools have a duty in law to refer any absence of 10 days or more where they have been unable to make contact with the parent/child or have general concerns about the absence to Education Welfare.

Schools are required to take an attendance register twice a day which shows whether the pupil is present, engaged in an approved educational activity off-site, or absent.

Parents whose children are experiencing difficulties should contact the school at an early stage and work together with the staff in resolving any problems. This is nearly always successful. If difficulties cannot be sorted out in this way, the school or the parent may refer the child to the Education Welfare Worker from the Local Support Team. He/she will also try to resolve the situation with voluntary support. If other ways of trying to improve the child's attendance have failed, these Officers can issue Penalty Notices or use court proceedings to prosecute parents or to seek an Education Supervision Order on the child. The maximum penalty on conviction is a fine of £2500 and/or 3 months imprisonment (See appendix A).

Alternatively, parents or children may wish to contact the **Education Welfare Worker from the** Local Support Team to ask for help or information. They are independent of the school and will give impartial advice.

Our Education Welfare Worker is **Keith Mellor** and he can be contacted on 01782 297810

## **PROCEDURES:**

### **Reporting an Absence**

When children are absent from school parents should phone our attendance line on the first day of absence to inform us of the absence and its cause before 9am.

If a phone call is not received, the school will contact parents via the 'First Day Absence' call line. This will be in the form of a text or phone call from the Attendance Officer.

On returning to school a note needs to be presented to cover the full period of absence. This needs to happen even if a phone call has been made to explain the absence.

Medical Appointments will only be authorised on receipt of relevant documentation from the appropriate agency.

### **Categorisation of Absences**

If a pupil of compulsory school age is absent every half-day absence from school has to be classified, as either **AUTHORISED** or **UNAUTHORISED**. Only school can authorise the absence, not parents. This is why information about the cause of each absence is always required, preferably in writing.

**Authorised absences** are mornings or afternoons away from school for a good reason such as:

- illness
- an emergency (e.g. bereavement)
- a medical appointment which can only be arranged during school time if an appointment cannot be made out of school hours.
- a college interview
- transport issues – strike action
- authorised study leave
- Religious holidays

**Unauthorised absences** are those which the school does not consider reasonable and for which no “leave” has been granted. This includes:

- holidays
- parents keeping children off school unnecessarily (including the avoidance of school sanctions, shopping trips, haircuts)
- truancy before or during the school day
- absences which have never been properly explained
- children who arrive at school too late to get a mark
- looking after relatives/siblings
- lack of transport

### **Persistent Unauthorised Absence**

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

There is evidence of unauthorised persistent absence. “Persistent” means at least 20 sessions of unauthorised absence over a period of twelve school weeks, excluding holidays. These absences do not need to be consecutive.

(See appendix A **Staffordshire Local Authority Code of Conduct for issuing Penalty Notices Sept 2017**).

### **Punctuality**

**Pupils must be on site by 8.45am.** It is part of the school’s daily routine to operate morning punctuality checks. If pupils arrive on site after the morning bell at 8.45am but **before registration ends at 8.55am, the Form Tutor, Reception Staff or Late Gate Staff will sign them in as ‘L = Late’ and will apply the necessary sanction as per school procedure. If they arrive after registration ends at 8.55am they must report to the Main Reception to be signed in. Reception staff will sign them in noting the time of arrival and sign them in as either ‘L=Late’ if signing in before 9.25am or ‘U = Unauthorised Absence’ if after 9.25am, unless attendance to a medical appointment has been evidenced.** Without a valid reason (as determined by the head teacher) they will need to make up the time missed during lunchtime.

### **Persistent Lateness**

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

There is evidence of persistent lateness. “Persistent” means at least 10 sessions of unauthorised late arrival over a period of 12 school weeks, excluding holidays. These late episodes do not need to be consecutive.

(See appendix A **Staffordshire Local Authority Code of Conduct for issuing Penalty Notices** Sept 2017).

### **Leave of Absence**

If it is anticipated that a pupil will miss a period of school time, a 'Request for Leave of Absence' form is required. (See appendix B).

Parents must ensure that this is handed in to the school sufficiently in advance of the absence period so that safeguarding procedures are kept to and the Headteacher can make their decision with regards to granting or refusing the request. The forms are available for parents and carers from our main reception and on the school website.

In April 2012, the Government accepted the Charlie Taylor report recommendation to challenge the culture of expectation to term time holiday and set out a clear expectation that term time leave should only be granted in exceptional circumstances.

### **Unauthorised Leave of Absence**

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

There is evidence of a period of absence not authorised by the head teacher or in excess of the period authorised by the head teacher.(e.g. family holiday)

(See appendix A **Staffordshire Local Authority Code of Conduct for issuing Penalty Notices** Sept 2017).

### **Attendance Targets**

Moorside High School has an attendance target of **96.5%** (or above).

The school has adopted the following attendance targets.

<b>Excellent</b>  <b>100%</b>	<b>Good</b>  <b>96-99%</b>	<b>Unsatisfactory- Improvement Required</b> <b>91-95%</b>	<b>Serious Concern- Persistently Absent</b> <b>90% or less</b>
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#### **Regular Lateness**

Over a school year:

5 minutes late every day = 3 days absent

15 minutes late every day = 10 days absent

30 minutes late every day = 19 days absent

## **Regular Absence**

Over a school year:

90% attendance = 19 days absent  
(half a day a week)

85% attendance = 29 days absent

80% attendance = 38 days absent  
( one day a week)

75% attendance = 47 days absent

## **Regular Attendance increases attainment**

### **Safeguarding Procedures**

The school has a designated attendance phone line and will contact parents on any day a registered pupil is absent without explanation, including in cases where pupils have registered but then not appear in lessons.

If the school cannot contact parents to ensure that the child is safe then they will contact the police and social services.

### **Key Members of Staff**

Those people responsible for attendance matters in this school are:

Mrs G. Grant (Deputy Headteacher - Inclusion) has full responsibility for Behaviour and Attendance across the school.

[Georgina.grant@moorside.staffs.sch.uk](mailto:Georgina.grant@moorside.staffs.sch.uk)

The Heads of Key Stage have overall responsibility for the day-to-day issues relating to behaviour and attendance.

Mr J. Courts Head of Key Stage 4 (Years 10 and 11) [jcourts@moorside.staffs.sch.uk](mailto:jcourts@moorside.staffs.sch.uk)

Mrs B. Stokes Head of Key Stage 3 (Years 8 and 9) [bstokes@moorside.staffs.sch.uk](mailto:bstokes@moorside.staffs.sch.uk)

Mr R. Morley Head of Transition Key Stage 3 (Year 7) [rmorley@moorside.staffs.sch.uk](mailto:rmorley@moorside.staffs.sch.uk)

The Attendance Officer and the staff in the Inclusion Base support them - Mrs K. Ball, Mr J Gething, Mrs L Day-Elks.

## **Policy to be reviewed January 2020**

### **Appendix A**

#### **Staffordshire Local Authority Code of Conduct for issuing Penalty Notices**

(Sept 2017 Commencing on 01/01/2018)

#### **Rationale:**

Regular and punctual attendance at school is both a legal requirement and essential for pupils to maximise their educational opportunities. In recognition of this, the law makes it an offence for a parent or carer to fail to secure the regular attendance of their child at a school at which the child is a registered pupil, without good reason or the agreement of the school. Penalty Notices are one of the sanctions available for this offence and offer a means of swift intervention, which can be used to combat attendance problems early, before they become entrenched. Parents and children should also be supported by their school to overcome barriers to regular attendance, through a range of intervention strategies. Therefore, Penalty Notices and other legal sanctions will only be used where parental cooperation with this process is either absent or deemed to be insufficient to resolve the problem. They will also be used as a means to support and challenge parents to meet their legal responsibilities and where there is a reasonable expectation that their use will secure improved school attendance. In April 2012, the Government accepted the Charlie Taylor report recommendation to challenge the culture of expectation to term time holiday and set out a clear expectation that term time leave should only be granted in exceptional circumstances. The Education (Pupil Registration) (England) (Amendment) Regulations 2013 made an amendment to the Education (Pupil Registration) (England) Regulations 2006 to: clarify that leave of absence shall not be granted by schools unless there are “exceptional circumstances”. The Supreme Court judgement on the *Isle of Wight v Platt* case on the 6th April 2017, has brought clarity to the issue of what regular attendance means and the use of penalty notices. Lady Hale gave the conclusion that “regularly” means “in accordance with the rules prescribed by the school”, she went on to say that there are many examples where a very minor or trivial breach of the law can lead to criminal liability. For instance, it is an offence to steal a milk bottle, to drive at 31 miles per hour where the limit is 30. The answer in such cases is a sensible prosecution policy. In some cases, of which this is one, this can involve the use of fixed penalty notices, which recognise that a person should not have behaved in this way but spare them a criminal conviction. With specific regard to leave during term time, the judgement stated (this interpretation is also consistent with the provision in section 444(3)(a) and (9)) that a child is not to be taken to have failed to attend regularly if he is absent with the leave of a person authorised by the governing body or proprietor of the school to give it. Unlike sickness or unavoidable cause, leave is not a defence. It is part of the definition of the offence. A child is required to attend in accordance with the normal rules laid down by the school authorities for attendance but the school can make an exception in a case.

#### **Legal Framework:**

Section 444 of the Education Act 1996 (as inserted by section 23 of the Anti-Social Behaviour Act 2003) empowers designated Local Authority (LA) officers, head teachers (as well as 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
- The Education and Inspections Act 2006.
- The issuing of Penalty Notices must conform to all requirements of the Human Rights Act 1998 and the Equality Act 2010.
- Section 444 of the Education Act 1996 makes it an offence if a parent fails to secure their child’s regular attendance at school at which they are registered, if that absence is not authorised by the school. Penalty Notices supplement the existing sanctions currently available under s444 Education Act 1996 or s36 Children Act 1989 to enforce attendance at school where appropriate.

The Regulations also require each local authority to publish a code of conduct for issuing penalty notices, after consultation with governing bodies.

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

- A Penalty Notice can only be issued in cases of unauthorised absence.
- The presence of an excluded child in a public place at any time during school hours in the first five days of exclusion. Penalty Notices may be considered appropriate if one of the following criteria is met:
  - There is unauthorised persistent absence. “Persistent” means at least 20 sessions of unauthorised absence over a period of twelve school weeks, excluding holidays. These absences do not need to be consecutive.<sup>2</sup>
  - There is a period of absence not authorised by the head teacher or in excess of the period authorised by the head teacher.(e.g. family holiday)
  - Persistent late arrival at school, i.e. after the register has closed. “Persistent” means at least 10 sessions of unauthorised late arrival over a period of 12 school weeks, excluding holidays. These late episodes do not need to be consecutive.
- The presence of an excluded child in a public place at any time during school hours in that child’s first five days of exclusion. An “excluded child” is one who has been excluded from school for a given period under the Education and Inspections Act 2006.
- A Penalty Notice will not be issued in respect of children in the care of the LA with whom other interventions will be used. Other conditions.
- There will be no limit on the times a Penalty Notice for unauthorised leave of absence can be used in an academic year.
- In cases where there is more than one pupil in a family with unauthorised absences, Penalty Notices may be issued for more than one child
- Use of a Penalty Notice or formal warning of a Penalty Notice for unauthorised persistent absence / lateness will be restricted to one notice/ warning per parent of a pupil per academic year<sup>1</sup> . 1 Continued poor attendance in the same academic year can be addressed by other statutory actions available to the Local Authority under the Education Act 1996. 2 Once an unauthorised absence has been used as evidence in Court/Penalty Notice it cannot then be used again in another prosecution.

### **Leave not authorised by the head teacher or in excess of the period determined by the Headteacher:**

The Local Authority will only issue Penalty Notices requested by a school in response to an unapproved leave of absence (including holiday related) resulting in unauthorised absence where the school has provided the necessary paperwork. This paperwork should comprise:

- A copy of any school information available to parents which clearly states that parents may receive a Penalty Notice for unauthorised leave (holiday) in term time.
- A copy of the leave of absence (holiday) request form submitted by the parent (s), and a copy of the response sent to the parent(s) by school. In the event the leave of absence (holiday) request is being denied the school’s response should state the reason why the request is unauthorised and should again advise parent (s) that they may receive a Penalty Notice if they take their child out of school and that the Local Authority will be advised of the unauthorised leave of absence.
- In cases where the unauthorised leave of absence occurs without prior request from the parent (s), or is due to unauthorised absence beyond that which was agreed, the school should include all correspondence sent to the parent(s) to explore the unauthorised absence.
- Relevant pupil attendance registration certificate signed by the Head teacher / Principal – or their nominated deputy – confirming that non-attendance during the period was unauthorised.
- Completed and signed penalty notice request form.

### **Pupil who has persistent unauthorised absences/lateness:**

As part of this process the parent(s) will first be issued with a 20 day notice period, clearly advising that if unauthorised absence / lateness occurs in this 20 day period, a Penalty Notice may be issued. This is to allow the parents a further period to address their child's irregular attendance by working with the school or other agencies. It is part of a scaled approach, and affords the parents an opportunity to avoid receiving a penalty notice. This is seen as good practice and integral to a proportionate response.

Therefore, the process is as follows:

- School completes and signs a penalty notice request form. (Appendix A).
- School provides pupil attendance registration certificate signed by the Head teacher / Principal – or their nominated deputy – confirming that non-attendance / lateness during the period was unauthorised.
- School provides an assessment and plan which demonstrates that the use of a Penalty Notice is now the appropriate action to improve the child's school attendance / punctuality.
- The local authority issues a 20 day Warning Notice to the parent (s) advising them of the possibility of a Penalty Notice being issued and that the child must have no unauthorised absence / lateness during the set period.
- If there are unauthorised absences / lateness in the period and after due consideration of the facts of the case with the school.

### **Excluded Pupils:**

The parent of the excluded pupil must ensure that the pupil is not present in a public place at any time during school hours on a day that he / she is excluded, up to and including the first 5 days or, where that exclusion is for a fixed period of 5 days or less, any of the days to which the exclusion relates. If the excluded pupil is present in a public place at any time during school hours on a school day specified above the parent commits an offence under section 103 of the Education and Inspections Act 2006 and is liable, on summary conviction, to a fine not exceeding level 3 on the standard scale. In such cases the school should provide:

- A copy of the letter required to be sent to parent(s) pursuant to s.104 of the Education and Inspections Act 2006 warning them to ensure that the child is not permitted to be present in a public place in the first five days of exclusion.
- Robust and reliable evidence in the form of a witness statement, stating how the child is known to the witness, where the child was seen including the date and time. Please note if the case is contested the witness may be required to give evidence in court.

### **Who may issue / request a Penalty Notice:**

A Penalty Notice may only be issued by authorised LA staff. In Staffordshire this will be members of Families First, Education Welfare. A Penalty Notice may be requested by a head teacher / principal and school staff authorised by them, a police officer during a truancy sweep under the provision of Crime and Disorder Act 1998.

### **Procedure for issuing Penalty Notices:**

The designated officers within Families First will be the only individuals permitted to issue Penalty Notices in the Staffordshire area. This will ensure consistent and equitable delivery, avoid duplication of issue and allow schools to maintain good relationships with parents and ensure that they reinforce other enforcement sanctions. Penalty Notices will only be issued by post and never as an instant action, e.g. during a truancy sweep. This will enable officers to ensure that all evidential requirements are in place, duplication of issue is avoided and to limit the health and safety risks associated with delivering such notices by hand. Where Schools, Police or neighbouring local authorities ask Staffordshire County Council to issue a Penalty Notice, their request will be investigated and actioned by Families First provided that:

- The circumstances of the case meet the criteria specified in this Code of Conduct.

- The pupil is registered at a Staffordshire School;
- All necessary evidence is provided to Families First to establish an offence under Section 444(1) of the Education Act 1996 has been committed.
- Issuing a Penalty Notice would not conflict with another intervention strategy already in place or another enforcement sanction already being processed; and
- There is an assessment and plan which demonstrates that the use of a Penalty Notice is now the appropriate action to improve the child's school attendance (not required in the case of unauthorised leave of absence). Families First will respond to all requests within 10 school days of receipt.

### **Truancy Sweep**

A Penalty Notice will only be issued after due consideration, when all facts are known and the threshold for serving the notice has been met. Information should be given to anyone stopped on a truancy sweep (pupil and/or parent) about the possible support and sanctions used to address non-attendance.

### **Criteria for withdrawing Penalty Notices:**

Once issued a Penalty Notice may be withdrawn if Families First is satisfied that:

- The Penalty Notice was issued to the wrong person;

- The use of the Penalty Notice did not conform to this Code of Conduct.
- The Penalty Notice contained material errors.
- The evidence demonstrates that the Penalty Notice should not have been issued, e.g. medical evidence; Representation There is no statutory right of appeal against the issuing of a Penalty Notice. However, the parent will be advised when they receive the warning that they may make representation to the County Manager for Education within Families First if they believe one of the above criteria has been met. This will then be investigated and the parent(s) informed of the outcome either to withdraw or uphold the penalty notice. Please note - in the case of a material error the penalty notice may be re-issued with the appropriate corrections made.

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

- Arrangements for payment will be detailed on the Penalty Notice;
- Payment of a Penalty Notice discharges the parent's or carer's liability for the period in question and they cannot subsequently be prosecuted under other enforcement powers for the period covered by the Penalty Notice;
- Payment of a Penalty Notice within 21 days is £60 and payment after this time but within 28 days is £120; and
- The County Council retains any revenue from Penalty Notices to cover enforcement costs (collection or prosecuting in the event of non-payment). Payments will not be accepted in part or by instalments.

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

Non-payment of a Penalty Notice will result in the withdrawal of the Penalty Notice and will trigger the fast-track prosecution process under the provisions of section 444(1) of the Education Act 1996.

### **Policy and Publicity:**

- Identifying information about Penalty Notices issued to particular parents or specific children should not be made public;
- Issuing of Penalty Notices as a sanction is included in the Authority's Attendance Policy;
- School attendance policies should include information on the issuing of Penalty Notices and this should be available to parents;
- The LA will include information on the use of Penalty Notices and other attendance enforcement sanctions in promotional or public information material.

### **Reporting & Review:**

Families First will:

- Report at regular intervals to the head teacher forum groups (Primary, Secondary, Middle and Special) and Staffordshire Police on the deployment and outcomes of Penalty Notices;
- Make regular reports to Staffordshire County Council on attendance matters which will include Penalty Notice use; and
- Review Penalty Notice use at regular intervals and amend the Protocol as Appropriate.

**Appendix B**

**Request for leave during term time**

Date.....

To: Mr S. Clarke

I request consideration of a grant of leave of absence from school during term time for:

My child (full name)..... Form .....

For the period from (date).....to (date).....

The **exceptional** circumstances and reason for this request are: .....

.....

.....

I have (an)other child(ren) in (an)other school as follows:

Child(ren) (full name(s)).....School (s) attended.....

Child(ren) (full name(s))..... School (s) attended.....

(Signature of 1<sup>st</sup> parent/carer(s))..... Print Name.....

(Signature of 2<sup>nd</sup> parent/carer(s) ..... Print Name.....

**Please return completed form to Mrs Day-Elks in the Inclusion Centre. The school will write to you and inform you of the decision on whether the request is authorised or not.**

Please See Over For Guidance Notes

**For Office Use Only**

Current Attendance.....%                      Last Year's Attendance ..... %

Number of school sessions taken as leave during term time .....(this academic year)

**Agreed/Not Agreed**

Request for leave is agreed/is not agreed for the above student to take leave during term time between the above dates.

Rationale to decline request: .....

Signed .....Head teacher                      Date.....

Notification of decision: Date letter sent to parent/carer.....

## Request For Leave Not Agreed

Date:

Dear

Thank you for your request dated                      requesting permission for                      to be absent from school from to.

You will be aware that the Department of Education made important changes to the law for families wanting to request leave of absence in term time. The changes made it clear that head teachers may not grant any leave of absence during term time unless there are exceptional circumstances. The Local Authority and school governors support this; therefore students will only be given permission to take leave in term time if there are exceptional circumstances.

I have considered your application very carefully. Although I understand the reason for your request, I am unable to approve leave of absence in this instance, as I believe the circumstances are not exceptional. **Therefore, if your child is away from school during this period it will be recorded as Unauthorised Absence.**

As a school we are obliged to inform you that you may be subject to a Penalty Notice if your child's absence from school is unauthorised. This is in line with Staffordshire County Councils' Code of Conduct.

The Penalty Notice fine would be :-

- £60 per parent, per child if paid within 21 days, rising to
- £120 per parent, per child if paid between 21-28 days.
- If the fine is not paid within 28 days you may be prosecuted under S444.1 of the Education Act 1996.

I must advise you that if the prosecution takes place, the maximum fine is £1,000 per parent, per child. This reflects the seriousness of unauthorised absence from school.

Our key priority is to ensure your child(ren) are as successful as possible, are able to reach his/her full potential and gains maximum benefits from his/her educational experience.

I would hope that upon reflection you are able to support this decision in line with the Local Authority and Government policy, that leave should be restricted to the 13 weeks school holidays except in exceptional circumstances.

Yours sincerely

Mr S Clarke  
**Headteacher**

## Request for Leave Agreed

Date:

Dear .....

Thank you for your letter dated .....requesting permission for ..... to be absent from school from ..... to .....

You will be aware that the Department of Education made important changes to the law for families wanting to request leave of absence in term time. The changes made it clear that head teachers may not grant any leave of absence during term time unless there are exceptional circumstances. The Local Authority and school governors support this; therefore students will only be given permission to take leave in term time if there are exceptional circumstances.

Having looked at your application, I feel that your request can be supported in this instance. **Therefore, the absence to include the dates requested will be authorised.**

Our key priority is to ensure that your child is as successful as possible and able to achieve (his/her) full potential. I would therefore ask that you support your child in catching up on the time they will miss in school.

Yours sincerely

Mr S Clarke  
**Headteacher**