# Attendance Policy

# Townley School

October 2015

## Part 1- School Attendance Policy

### Introduction

If a child is registered at a school they must by law attend that school regularly and punctually. Children should only miss school if they are ill or unable to attend for some other unavoidable reason. If a child is absent and school either does not receive an explanation for their absence, or considers the explanation unsatisfactory, it will record their absence as 'unauthorised', that is, as truancy. As a school we aim for at least 96% attendance for **every** child.

### Key information

A child becomes of compulsory school age when they reach the age of five and, where a parent has elected to register their child at school, they must start school in the term following their fifth birthday at the latest (although parents of many children choose to send them earlier). A child continues to be of compulsory school age until the last Friday in June in the school year that they reach the age of 16. After this age, the legal requirement to participate in education or training will fall to the young person.

### Rights and Responsibilities

Parents and Carers have a legal duty to ensure their child receive an appropriate education. If their child is registered at a school, parents and carers must ensure they attend.

We expect that parents and carers will**:**

- Be aware of their legal responsibility to send their child to school every day
- Make sure their child arrives at school on time and be ready for the school day
- Contact the school office before 9am whenever their child is unable to attend school
- Keep the school office notified of any changes in contact details

### Absences

Most absences for acceptable reasons will be authorised by your child's school:

- illness (specific reason to be given)
- unavoidable medical or dental appointments (if possible, arrange these for after school or during school holidays)
- day of religious observance
- exceptional family circumstances, such as bereavement
- an interview with a prospective employer or college

Some of the following examples are reasons why a school may not authorise absence:

- shopping during school hours
- day trips
- birthdays
- looking after brothers or sisters or ill relatives
- term time holiday

**Three letter system**

A system of attendance letters are sent out by school when a child's attendance begins to fall or when a child begins to arrive at school after the start of the school day (8.50am).

- Letter 1 is a general reminder about making sure a child attends school unless there is a valid reason. This is sent out when attendance drops to 96%
- Letter 2 is sent out when attendance drops to 94% and invites parents/carers to a meeting in school. This letter also warns parents that medical evidence is required before any further medical absences are authorised.
- Letter 3 is sent out when attendance drops to 92%. This letter warns parents that should attendance drop to below 90% they are at risk of having a penalty notice issued
- Final letter is notification that a request for a penalty notice has been made

**Education Welfare Officers**

- If a child's attendance is unsatisfactory and not improving despite support from the school, the school will make a referral to their Education Welfare Officer (EWO). Before a referral is made, we will be using the 'three letter system' to identify the cause for concern, and offer support to improve attendance and punctuality.
- The EWO may write to the child's family, or ask to meet with parents or carers at home or at school to discuss these difficulties. The Education Welfare Officer will then agree a plan of action to improve your child's attendance. This may involve further support in school or from other agencies such as Health or Social Care. Details of local Education Welfare Officers can be found on the Family Information Directory via www.cambridgeshire.gov.uk

**Requests for leave of absence during term time**

Since September 2013, amendments to The Education (Pupil Registration) (England) Regulations 2006 state that authorised leave can only be agreed for "exceptional circumstances". It is the responsibility of the Head teacher to determine the number of school days a child can be away from school if the leave is granted. If leave of absence is not granted and a child is still taken out of school, parents and carers may be subject to a formal warning penalty notice or face prosecution in court.

**Penalty notices**

Schools are required to inform Cambridgeshire County Council's Attendance Team of all children whose attendance falls below 90% **or** when children are absent for unauthorised holidays or suspected holidays.
Issuing of a penalty notice results in:

- A fine of £60 per parent or carer, per child if payment is made to the Local Authority within 21 days
- A fine of £120 per parent or carer, per child if payment is made to the Local Authority after 21 days but before 28 days
- Failure to pay the fine within the specified time will be liable for prosecution in a Magistrates Court action. If convicted, a sentence of up to £2500 and/or up to three months in prison may be imposed.

(Section 444 of the 1996 Education Act)

Penalty Notices can only be served in accordance with Cambridgeshire County Council's code of conduct. A copy is kept in school. Further advice and guidance for parents is available on the Department ofEducation website under the heading "Advice on school matters".

## Part 2- Non-Attendance and the law

The following information for parents and carers was sourced from www.cambridgeshire.gov.uk in January 2015:

**Non-attendance and the law**

All parents have a legal duty to ensure that their child receives an education suitable to his/her age, ability and aptitude and any special needs. Most parents fulfil their legal obligation by registering their child in a school.

Children must legally be in education between the school term after their 5th birthday and the last Friday in June in the school year they turn 16.

The Education and Skills Act 2008 increased the minimum age at which young people in England can leave learning. Raising the participation age means that if your child is currently in year 11 they must stay in some form of education or training until the end of the academic year when they turn 17. If your child is currently in Year 10, then they have to stay in some form of education or training until the end of the academic year when they turn 18.

**School attendance order**

Should you fail to register your child at a school and not make suitable alternative education arrangements, the Council may issue a school attendance order requiring you to register your child at a named school.

**Non-attendance at school**

Failure to ensure a child's regular attendance at school is a criminal offence and if, with support from the school's attendance officer and / or the local authority education welfare officer, your child's attendance fails to improve, the education welfare officer will consider one of two courses of action:

- Penalty fine of £60 (if paid within 21 days), rising to £120 (if paid after 21 days but before 28 days have elapsed). Failing to pay the fine will result in prosecution.
- Prosecution in the magistrates' court.

It is the responsibility of each parent to ensure regular school attendance and failure to do so will result in each parent being charged with the offence. If convicted, both parents will be punished by the courts, resulting in a fine of up to £2,500 for each parent and / or up to 3 months custodial sentence.

If a child lives with a family friend or relative for a period of time who has day to day care of the child, each responsible adult is considered as 'Parent' under the Education Act and can equally be charged with the same offence and prosecuted.

Please read the penalty notice code of conduct (pdf, 83.1kb).

**The Prosecution Process**

**The PACE interview**

Should your child's attendance fail to improve, in spite of help from the school and an education welfare officer, you will be invited to a formal PACE interview held under caution.

- A school representative and any others involved with you and your child may also be invited. If you wish, you may have a legal representative at this meeting.
- Before the meeting begins, you will be formally cautioned under the Police and Criminal Evidence Act (PACE) 1984.
- You will be asked a set of questions under formal caution. The aim of this interview will be to establish if an offence has been committed under the Education Act 1996.
- A record of the PACE interview will be given to you and shared with the Legal Panel who will make a final decision on legal intervention appropriate to your case. The decision made will be communicated to you in writing.

**Court**

Should Cambridgeshire County Council decide to take legal action against you, you will be served with a summons to appear before a magistrates court. You will receive a copy of the statement of the education welfare officer and possibly a member of school staff, and any supporting documents ('exhibits').

Should you fail to attend, the court may consider issuing a warrant for your arrest or decide to hear the case in your absence.

The case will be heard by the magistrates. A court usher will be available to help you.

The court clerk will read the charge. You will be asked to plead 'guilty' or 'not guilty'. Should you plead not guilty, the case will be adjourned to a future date. Should you plead guilty, the case will be heard immediately.

The court will first hear the evidence from the prosecution.

You or your legal representative will then be able to either make the case for the defence (if you have pleaded not guilty), or (if you have pleaded guilty) explain any reasons why your child has not attended school regularly.

The magistrates will then decide how they intend to deal with the case.

**Possible outcomes**

Should you have pleaded guilty or be found guilty, the sentencing/disposal options available to the magistrates are:

- a fine of up to £2,500

- a conditional discharge – you will be given a set amount of time in which to improve your child's attendance. Should you fail the Council may bring a further prosecution against you and, if found guilty, you will be sentenced for both offences
- an absolute discharge – the case is proved but you will not be subject to a penalty, although you will receive a conviction
- deferred sentence – a new court date will be arranged, during which time you will be expected to have taken steps to improve your child's school attendance. Sentence will be passed at this new hearing
- imprisonment - only for the more serious (aggravated) offence but it can be for up to three months
- parenting order – the magistrates may order you to attend parenting classes

**Education supervision order**

The court may also direct that the Council considers making an application for an education supervision order. The education welfare officer may also decide on this option as an alternative to prosecution. Applications for education supervision orders are heard in the family court, and if granted you and your child will be directed by the court to co-operate with the Council to ensure that your child attends school regularly.

**What happens next?**

Regardless of the outcome in court, you will continue to receive support from the Education Welfare Officer and the school to ensure that your child attends school. Should your child return to school and attend regularly, no further legal action will be taken against you.

**How we can help**

Education welfare officers (EWO) aim to ensure that all children receive an education, contact your child's school or college if you would like to speak to one. You can also contact education welfare officers direct through March & Chatteris Locality Team.

**Part 3- Appendix**

- School Notification of Absence Form for Parents.