



# ***Severne Junior, Infant and (NC) School***

## ***Attendance Policy 2021-2022***

## **Severne Primary School Attendance Policy:**

Severne Primary School will implement DfE guidance and guidelines relating to attendance. From September 2021 the expectation is that all pupils will attend school and the Pupil Attendance Policy will be implemented.

If Parent/Carers or pupils have concerns about attendance they should speak to the school in the first instance.

### **Introduction and Background:**

Severne Primary School recognises that positive behaviour and good attendance are essential in order to raise standards of pupil attainment and to give every child/young person the best educational experience possible.

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

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

For our children to gain the greatest benefit from their education it is vital that they attend regularly and be at school, on time, every day the school is open unless the reason for the absence is unavoidable.

***'It is a rule of this school that pupils must attend every day, unless there are exceptional circumstances and it is the headteacher, not the parent, who can authorise the absence'.***

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

This policy has been developed in consultation with all stakeholders including pupils, school staff and school Governors including Parent/Carer Governors.

It seeks to ensure that all parties involved in the practicalities of school attendance are aware and informed of attendance matters in school and to outline our school's commitment to attendance matters. It details the responsibilities of individuals and groups involved and the procedures in place to promote and monitor pupil attendance.

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

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

### Promoting Regular Attendance:

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

To help us all to focus on this we will:

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

Whilst any child may occasionally have time off school because they are ill, sometimes they can be reluctant to attend school.

Any problems with regular attendance are best sorted out between the school, the Parent/Carers and the child.

If a parent thinks their child is reluctant to attend school then we will work with that family to understand the root problem and provide any necessary support.

We can use outside agencies to help with this such as the School Nurse, The Local Authority or a Child and Family Support Worker.

### Understanding Types of Absence:

Every half-day absence from school has to be classified by the school (not by the parent/carer), as either AUTHORISED or UNAUTHORISED, (each half-day is known as a 'session').

This is why information about the cause of any absence is always required.

**Authorised absences** are morning or afternoon sessions away from school for a genuine reason such as illness (although you may be asked to provide medical evidence for your child before this can be authorised where regular absence is an issue), medical or dental appointments which unavoidably fall in school time, emergencies or other unavoidable cause.

**Unauthorised absences** are those which the school does not consider reasonable and for which no 'leave' has been given.

This type of absence can lead to the Local Authority using sanctions and/or legal proceedings which may include issuing each Parent/Carer with a Penalty Notice for £120, reduced to £60 if paid within 21 days or referring the matter to the Magistrates Court whereby each parent may receive a fine up to £2500 and/or up to 3 months in prison. If you are found guilty in court you may receive a criminal conviction.

Unauthorised absence includes, however is not exhaustive:

- Parent/Carers keeping children off school unnecessarily e.g. because they had a late night or for non-infectious illness or injury that would not affect their ability to learn.
- absences which have never been properly explained
- children who arrive at school after the close of registration are marked using a 'U'. This indicates that they are in school for safeguarding purposes however is recorded as an absence for the session.
- shopping trips
- looking after other children or children accompanying siblings or Parent/Carers to medical appointments
- their own or family birthdays
- holidays taken during term time without leave, not deemed 'for exceptional purposes' by the headteacher- may result in school applying to the local authority to issue a penalty notice or if you have previously been issued a Penalty Notice, school may request a direct prosecution by the local authority.
- day trips
- other leave of absence in term time which has not been agreed

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

By law all children of compulsory school age must receive an appropriate full-time education. Parent/Carers have a legal duty to ensure their child attends school regularly at the school at which they are registered.

***There is no entitlement in law for pupils to take time off during the term to go on holiday.***

In addition, the Supreme Court has ruled that the definition of regular school attendance is “in accordance with the rules prescribed by the school”.

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

It is a rule of this school that a leave of absence shall not be granted in term time unless there are reasons considered to be exceptional by the headteacher, irrespective of the child’s overall attendance. Only the headteacher or his/her designate (not the local authority) may authorise such a request and all applications for a leave of absence must be made in writing on the prescribed form provided by the school. Where a parent removes a child when the application for leave was refused or where no application was made to the school, the issue of a penalty notice may be issued in line with Birmingham City Council’s Penalty Notice ‘Code of Conduct’, which governs the issuing of the Local Authority’s penalty notices in relation to pupil absence.

***A Penalty Notice may be issued where there have been at least 10 consecutive sessions of unauthorised absence for the purpose of a holiday, however, due to the importance of pupils settling into school at the commencement of the school year, Penalty Notices may also be issued if there have been at least 6 consecutive sessions of unauthorised absence during the first two weeks of September due to a term-time holiday.***

### **At Severne Primary School ‘exceptional circumstances’ will be interpreted as:**

The fundamental principles for defining ‘exceptional’ are events that are “rare, significant, unavoidable and short”.

Examples of exceptional circumstances could include:

- death of parent/carer or sibling of the pupil
- life threatening or critical illness of parent or sibling of the pupil
- parent/carer recuperation and convalescence from critical illness or surgery (leave request to be made within 6 months of recovery and medical evidence required)
- leave for armed forces personnel who are prevented by operational duties to take their leave at any other time
- leave of absence already granted by a previous school or local authority (granted within the last six months and supported by documentation from the previous school)

**NOTE:** Family emergencies need careful consideration. It is not always in the best interests of the pupil nor appropriate for them to miss school for family emergencies that are being dealt with by adult family members.

### **We will not consider applications for leave during term time:**

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

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

### **Persistent Absenteeism (PA)**

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

We monitor all absence, and the reasons that are given, thoroughly. If a child is seen to have reached the PA mark or is at risk of moving towards that mark we will inform the parent/carer.

PA pupils are tracked and monitored carefully. We also combine this with academic tracking where absence affects attainment. PA pupils and their Parent/Carers may be subject to a school-based meeting and individual plans may include: allocation of additional support through the School Nurse, BCC Attendance Legal Advice, Local Authority Family Support or Social Care.

### **Absence Procedures:**

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

- Contact the school on the first day of absence before 9:30 am.
- Contact the school on every further day of absence, again before 9:30am
- Ensure that your child returns to school as soon as possible and you provide any medical evidence if requested to support the absence.

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

- Text or telephone you on the first day of absence if we have not heard from you, this is for safeguarding purposes (however it is **your responsibility** to contact school)
- Write to you if your child's attendance is below 95% and there are merging issues or unexplained absences.
- Invite you in to school to discuss these concerns if these absences persist
- Refer the matter to the Local Authority for relevant sanctions if attendance deteriorates following the above actions

#### ***First day calling:***

If we have been unable to contact Parent/Carers by telephone; we will telephone emergency contact numbers provided by you on registration at our school.

A home visit may be made in the interests of safeguarding.

A referral will be made to the Local Authority if no contact has been made with parent/carers by the 10<sup>th</sup> day of absence, at which point your child will be considered Missing from Education.

**NOTE:** Parent/Carers are expected to contact school at an early stage and to work with the staff in resolving any problems together. This is nearly always successful. If difficulties cannot be sorted out in this way, the school may refer the child to the Local Authority. If attendance does not improve, legal action may be taken in the form of a Penalty Notice (see Annex A for the Birmingham City Council Code of Conduct), prosecution in the Magistrates Court or the application of an Education Supervision Order, designed to strengthen parental responsibilities and ensure improved attendance.

### **Lateness**

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

### **How we manage lateness:**

The school day starts at **8.30 am** when children can begin to come into school. Registers are taken at **8.40 am** and your child will receive a late mark 'L' if they are not in by that time. Children arriving after **8.40 am** are required to come in to school via the school office if accompanied by a parent or carer, the parent/carer will sign them in on our 'Inventory sign in system' and provide a reason for their lateness which is recorded. The school may send home 'late notes' in order to keep Parent/Carers and carers informed.

At **9.00am** the registers will be closed. In accordance with the Regulations, if your child arrives after that time they will receive a mark that shows them to be on site 'U', but this will **not** count as a present mark and it will mean they have an unauthorised absence. This may mean that you could face the possibility of being issued with a Penalty Notice if the problem persists.

### **Deletion from Roll:**

For any pupil leaving *Severne Primary School*, other than at the end of Yr6 Parent/Carers are required to complete a 'Pupils moving from school' form which can be obtained from the school office. This provides school with the following information: Child's name, class, current address, date of leaving, new home address, name of new school, address of new school. This information is essential to ensure that we know and safeguard the whereabouts of all of our pupils.

It is crucial that Parent/Carers keep school updated with current addresses and contact details for key family members in case of an emergency.

Under Pupil Regulations 2006, all schools are now **legally required** to notify their Local Authority of **every new entry** to the admission register **within five days** of the pupil being enrolled. In addition to this, **every deletion** from the school register must also be notified to the Local Authority, as soon as the ground for deletion has been met in relation to that pupil, and in any event no later than the time at which the pupil's name is deleted from the register. This duty does not apply when a pupil's name is removed from the admission register at a standard transition point – when the pupil has completed the final year of education normally provided by that school.

*Penalty Notice – Code of Conduct*

This document is issued in compliance with the Education (Penalty Notices) Regulation 2007 and the Education Act 1996.

*RATIONALE:*

Section 7 of the Education Act 1996 (the Act), states that the parent of a child of compulsory school age has a legal duty to ensure that they receive an efficient full-time education suitable to their child's age, ability, aptitude and any special educational needs. Therefore, in order to ensure that parents comply with this duty, and to ensure that children and young people are able to maximise the opportunities available to them via regular attendance at school, Birmingham City Council (the Local Authority) will support schools to challenge irregular school attendance using the powers outlined in this Code of Conduct.

Section 444A of the Act states that, if it is believed that a child has failed to attend school regularly and the parent is therefore guilty of an offence under section 444(1) of the Act:

- a Penalty Notice may be issued for £60, if it is paid within 21 days of receipt of the Notice;
- rising to £120, if it is paid after 21 days, but within 28 days of receipt; and
- non-payment will entitle the Local Authority to prosecute the parent for the original offence, under section 444(1) of the Act.

This Code of Conduct will govern the issuing of the above Penalty Notices for schools across Birmingham.

*GUIDANCE AND LEGISLATION:*

Application of this Code is subject to the law, in particular: -

- The Equality Act 2010
- The Children Act 1989
- The Human Rights Act 1998
- The Education Act 1996
- The Education (Pupil Registration) (England) Regulations 2006
- The Education (Pupil Registration) (England) (Amendment) Regulations 2013
- The Data Protection Act 1998
- The Crime and Disorder Act 1998
- The SEND Code of Practice 2015
- The Anti-social Behaviour Act 2003

*DEFINITIONS:*

*Compulsory School Age:*

Section 8 of the Act states that a child is of compulsory school age from the start of the school term commencing on or after their fifth birthday, until the last Friday in June of the school year in which the young person becomes sixteen years old.

## Leave of Absence:

The Education (Pupil Registration) (England) Regulations 2006 prohibits the proprietor of a maintained school from granting leave of absence to a pupil, except where an application has been made in advance and the proprietor is satisfied that there are exceptional circumstances for agreeing to that application. *(Note: Department for Education guidance confirms that such requests should only be authorised in exceptional circumstances, which will not normally include family holidays. The issue of unauthorised leave of absence was also considered by the Supreme Court in the case of Isle of Wight v Platt [2017] UKSC28).*

## Parent:

Section 576 of the Act defines the 'parent' of a child or young person as including:

- Both of their natural parents, whether they are or were married or not;
- Any person who, although they are not the natural parent, has parental responsibility for the child or young person, as defined in the Children Act 1989; and
- Any person who, although not the natural parent, has care of the child or young person, i.e. with whom the child lives, irrespective of the nature of their relationship with the child.

Throughout this document, references to 'parent' means each and every person falling within this definition, whether or not those people are intentionally acting jointly or separately; the contents of this Code of Conduct does not only apply to 'parent' in the singular.

## CIRCUMSTANCES WHERE A PENALTY NOTICE MAY BE ISSUED

The issuing of a Penalty Notice is considered appropriate in the following circumstances:

### **1. Attendance:** When:

- a pupil has had a minimum of 20 sessions of unauthorised absence in the previous 12 calendar months (not to include the period of school closure due to Covid-19 from 16<sup>th</sup> March 2020 to the start of the new academic year in September 2020.)
- a school or place of alternative educational provision has commenced the relevant local authority legal intervention process and
- despite that process being followed by the school, there has been little improvement in the pupil's attendance.

### **2. Unauthorised Leave in Term Time:** When:

- a pupil has been taken on an unauthorised "leave of absence" from school or a place of alternative educational provision for minimum of 20 continuous sessions, or;
- a pupil has had a minimum of 12 sessions of unauthorised absence in the previous 12 calendar months (this can be a mixture of O, G and U codes, not to include the period of school closure due to Covid-19 from 16<sup>th</sup> March 2020 to the start of the new academic year in September 2020) and has then been taken on an unauthorised leave of absence from school or a place of alternative provision for a minimum 8 sessions (G codes); and
- the school or place of alternative educational provision have followed the relevant local authority legal intervention process, a penalty notice may be issued.

### **3. Excluded Child in a Public Place:** When:

- a child of compulsory school age is excluded on disciplinary grounds, the parent of that child, provided they have been served with Notice under Section 104 of the act, must ensure that the child is not present in a public place during school hours during the first five days of that exclusion without reasonable justification. Where parents fail to ensure their child is not in a public place under these circumstances, a penalty notice may be issued.

**Each Parent will receive a separate Penalty Notice for each child.**



### **PROCEDURE FOR ISSUING OF PENALTY NOTICES:**

- 1 The Local Authority will administer the issuing of Penalty Notices, in order to ensure the consistent application of the Code of Conduct across Birmingham and avoid duplicate Penalty Notices being issued.
- 2 The Local Authority will post Penalty Notices via first class post.
- 3 The Local Authority will record when and whether the relevant financial penalty imposed under a Penalty Notice is received.
- 4 If the financial penalty has not been paid within 28 calendar days of being issued, the Local Authority will seek to prosecute the person who has not paid under section 444(1) of the Act
- 5 Penalty Notices can only be issued to each parent of a child exhibiting the necessary levels of unauthorised absence once and, where appropriate, in respect of more than one child. If there are further unauthorised absences in relation to the same child, the Local Authority may issue a second penalty notice. Where a third occurrence of unauthorised absence occurs, the Local Authority may prosecute the parent, under sections 444(1) or 444(1A) of the Act.
- 6 The Local Authority may, in cases of high levels of unauthorised absence including where unauthorised leave in term time of 30 school days or more has been taken, decide not to issue a Penalty Notice, but instead prosecute the parent under sections 444(1) or 444(1A) of the Act.
- 7 Penalty Notices will be issued to the parents of pupils who are attending maintained schools, academies or places of alternative provision in Birmingham, whether they are resident in the city or not. The attendance of pupils who are resident in Birmingham but attending schools or places of alternative provision in other local authorities' areas (except where those places are commissioned by Birmingham City Council) will be the responsibility of those local authorities.

### **Procedures for Withdrawing Penalty Notices:**

A Penalty Notice may be withdrawn by the Local Authority in any case in which the Local Authority determines that:

- a) It ought not to have been issued; or
- b) It ought not to have been issued to the person named as the recipient.

Where a Penalty Notice has been withdrawn in accordance with the above:

- a 'Letter of Withdrawal' shall be given to the recipient;
- any financial penalty paid to clear that Penalty Notice shall be repaid to the person who paid it; and
- no prosecution under sections 444(1) or 444(1A) of the Act shall be continued or begun in connection with the same unauthorised absence period, against the recipient of the Notice of the Withdrawal.

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

1. Arrangements for the payment of a Penalty Notice will be detailed on the Penalty Notice.
2. Penalty Notice payments received by the Local Authority will be used for the purposes of issuing and enforcing Penalty Notices and prosecuting recipients who do not pay.
3. Any sum not used for the purposes of the functions specified in paragraph 2 above, will be paid to the Secretary of State for Education.

### **Appendix 1 applicable from 16th March 2020**

- This appendix has been produced at the request of the Secretary of State who has written to Directors of Children's Services setting out the department's expectation that no parent is penalised for their child's non-attendance due to Covid-19. In that letter, local authorities were asked to:
  - Suspend any penalty notice action or prosecutions for Covid-19 related absence with immediate effect.
  - Update their Code of Conduct for issuing penalty notices to make this clear.
  - New cases involving Covid-19 related absence should not be taken forward and any cases from 16th March should be withdrawn. This approach should also be applied to prosecutions for non-attendance.

As Birmingham City Council had already taken the decision not to move forward with any legal cases relating to Covid-19 absence, these scenarios do not apply. However, for clarification, Birmingham City Council will not proceed with any cases related to Covid-19 absences as directed by the Secretary of State, until such time as this advice changes.

**Staff consulted: March 2022**

**Ratified by the Governing Body: March 2022**

**Review Date: Annual review: September 2022**