



**Churchfields**  
The Village School

Atworth ∞ Monkton Farleigh

## ATTENDANCE POLICY

<b>Current Policy Approval Date:</b>	Autumn 2019
<b>Review Date:</b>	Autumn 2022

### [Luke 23:43](#)

And he said to him, “Truly, I say to you, today you will be with me in Paradise.”

## **RATIONALE**

The leadership and governors have prepared this policy to encourage the best possible attendance from all pupils at the school. High expectations for attendance are crucial for creating a culture for learning that benefits individual pupils and the school as a whole.

**All pupils** are expected to arrive at school on time every day, unless they are ill or have an emergency medical appointment.

Arriving on time is important as it gives a positive start to the day, avoids disruption to the class and gives children a sense of belonging. Learning about the importance of being punctual is a vital life skill.

We recognise that very occasionally families have exceptional reasons to ask for permission for their children to miss school during term time. The school will only authorise such absence in exceptional circumstances. This policy clearly explains what 'exceptional circumstances' means.

## **AIMS**

☐ For all pupils at Churchfields to receive a full time education giving them the best opportunity to realise their true potential.

☐ To fulfil the school's statutory duties in relation to school attendance.

## **PARENTS AND CARERS' RESPONSIBILITIES**

Parents & Carers will:

☐ work with the school to help their children understand how important it is to go to school regularly and to arrive on time.

☐ ensure their children arrive in their classrooms at 8.30am (Monkton Farleigh) and 8.45am (Atworth). Children coming in to school more than ten minutes after this will be marked late. Registers close at 8.45am (Monkton Farleigh) and 9am (Atworth). A child arriving after this time will be marked as an unauthorised absence, unless an 'exceptional circumstances' reason is provided.

☐ inform the school of their child's absence on the first day of absence, before the register closes.

☐ tell the school about anything which affects their child's attendance.

☐ avoid making routine medical or dental appointments during the school day. If you need to make a non-emergency appointment, please inform the school at least a day in advance.

☐ avoid booking family holidays in school term time (please read appendix A and appendix C).

☐ work with the school and other agencies (as and when appropriate) to sort out any issues relating to non-attendance.

☐ tell the school about any changes to their contact details (address, home telephone number, mobile number).

## **SCHOOL'S RESPONSIBILITIES**

The school will:

☑ ensure that its legal responsibilities (see appendix B) are met by giving high priority to attendance and punctuality.

☑ provide a welcoming and caring environment where each member of the school community feels nurtured and secure.

☑ make sure all school staff work with pupils and their families to ensure each pupil attends school regularly and punctually.

☑ accurately complete the daily attendance register using the appropriate codes for authorised absences, as specified by The Education (Pupil Registration) (England) Regulations 2006. The attendance register is an important tool in our work to drive up standards and pupil attainment. It helps to identify pupils who might need extra support to catch up on lessons they may have missed and to target actions tackling poor attendance.

☑ ensure that all classes make a prompt start to each session of the school day.

☑ try to contact you if your child does not come to school on time and the school has not been informed why. This will happen on the first day your child is absent. It is called a "first day calling initiative". This practice encourages good attendance and helps to safeguard children.

☑ keep the Headteacher informed about any regular or ongoing absence from school.

☑ request a meeting with you if there is a sudden or ongoing concern regarding your child's attendance.

☑ contact the Education Welfare Officer if these concerns are not resolved.

☑ respond in writing to any request for leave of absence within 5 working days. This letter will clearly state the pupil's expected date of return to school.

☑ liaise with any other school where there are siblings for whom leave of absence is also requested if required.

☑ maintain up-to-date records of parents' and carers' names, addresses and contact telephone numbers.

☑ follow any guidance from Wiltshire Education Welfare Service.

☑ make the full version of its Attendance Policy available to any parent/carer on request.

This policy is aligned with our Safeguarding/Child Protection Policy and supports our commitment to safeguarding children.

## Appendix A

### Policy into Practice

#### What happens if I want to take my child out of school during term time?

##### Requests for leave of absence

In line with DfE legislation, it is no longer possible to authorise holiday in term time. There are a number of exceptional circumstances however these do not include extended leave to visit family abroad.

##### Exceptional circumstances are:

- family emergency
- funeral of a close family member (please state relationship to you)
- wedding ceremony of a close family member (please state relationship to you)

Holidays will **not** count as a reason to authorise absence in term time, with the exception of children of armed forces personnel on leave from active service (when confirmation from a commanding officer will be required).

You must apply in writing to the Headteacher by completing a leave of absence form (available from the office). Your form should be submitted at least seven working days before the requested leave of absence. No absence can be authorised after your child has been off school.

Circumstances which are notified to the school or Local Authority **after** a decision has been made by the Headteacher will not be considered and there will be no opportunity to discuss this further once a decision has been made.

Therefore please be certain to provide details of the exceptional circumstances relating to your application below and attach any supporting evidence.

The school will respond within five working days, telling you whether, in exceptional circumstances, the leave of absence has been approved.

##### A request will not be authorised if:

- your child's attendance is already below 95%
- your child would miss a public examination
- the request is for a family holiday (unless exceptional circumstances apply)

**If your request is not authorised and you decide to take your child out of school for five days or more, you are liable to pay a fine to the Local Authority.**

## **Appendix B**

### **Legal Requirements**

**Parents and carers** are responsible in law (Education Act 1996), for ensuring that children who are of compulsory school age receive an education suitable to their age, ability, aptitude and any special educational needs they may have.

If a pupil is absent and the school has not been told why by the parent or carer, this will be marked as an unauthorised absence. This can be changed to an authorised absence when the school is informed of the reason for the absence. The Headteacher will decide whether the absence is authorised.

The decision is based on:

- ☑ the Education (Pupil Registration) (England) Regulations 2006; and
- ☑ the Guidance on applying the Education Pupil Registration Regulations (DfES, Sept 2006, version 1).

### **Accessibility (in relation to Disability Discrimination Act) and Equal Opportunities**

Where a pupil with accessibility needs may have difficulty complying with this policy on account of those needs, the Headteacher will discuss these with the pupil's parents/carers. Ideally this discussion should take place before they start school or within a month of identifying an issue. The school will aim to agree any necessary adjustments consistent with the Disability Discrimination Act Accessibility Policy to ensure that the pupil is not treated less favourably.

## APPENDIX C

### **Why have I received this leaflet?**

This leaflet is sent to people who have been notified that they will be issued with a Penalty Notice for a holiday taken during term time.

It is intended to provide you with information and guidance and is issued by the Wiltshire Education Welfare Service. It is not a legal document.

### **What is the legislation covering the use of Penalty Notices?**

The Education Act 1996 as amended by Section 23 of the Anti Social Behaviour Act 2003.

The legislation requires Local Authorities (LAs) to create a Code of Conduct covering the use of Penalty Notices and a copy of this can be found on the Wiltshire Council web page at: [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)

### **Why have I been issued with a Penalty Notice?**

Penalty Notices are issued for a number of reasons including holidays taken during term time where the absence has not been agreed by the school. A pupil will have had a minimum of 10 sessions (5 school days) lost to unauthorised holiday absence during the previous six months up to and including the day the Education Welfare Service is notified.

### **I have more than one child; will I receive a Penalty Notice for each child?**

A Penalty Notice is issued to parents/carers of each child where the LA have been notified that the child has been absent from school due to unauthorised holiday absence.

### **Will my partner be issued with a Penalty Notice?**

Penalty Notices are issued to each parent/carer for each child. This includes partners who live in the same household. A parent who does not live in the same house may also be issued with a Penalty Notice. The law states that both parents (or carers) are responsible for ensuring their child's attendance at school whether they live with the child or not; also any adult who has day to day care of a child is also responsible for the child's attendance at school.

### **What options do I have?**

Once you have received a Penalty Notice you have the following options:

#### **OPTION 1**

Pay £60 within 21 days of the date of issue as stated on the Penalty Notice. Payment can be by postal order or cheque to the address given on the reverse of this leaflet. Debit Card payments are also accepted. Part payment or by instalments will not be accepted. Please do not send cash.

#### **OPTION 2**

Pay £120 between 21 and 28 days of the date of issue as stated on the Penalty Notice.

Payment can be by postal order or cheque to the address given on the reverse of this leaflet. Debit Card payments are also accepted. Part payment or by instalments will not be accepted. Please do not send cash.

#### **OPTION 3**

You can decide not to pay the Penalty. In such cases you will automatically be summonsed to appear in Court for the offence under Section 444(1) Education Act 1996 of failing to ensure the regular attendance at school of a child of compulsory school age who is a registered pupil there.

### **If I pay the Penalty do I have to go to Court?**

If you pay the Penalty as stated in Option 1 or Option 2, this discharges any and all liability on your behalf concerning the non-attendance of your child for the period quoted on the Penalty Notice. This means that you will not have to attend Court and you will not have a criminal conviction recorded against you.

### **What happens if I do not pay the Penalty?**

If you do not pay the Penalty as stated in Option 1 or Option 2 and the time period of 28 days expires, the Local Authority is required to commence proceedings in the Magistrates Court for the original offence relating to your child's non-attendance school during the specified period.

### **What if I cannot afford to pay?**

If you feel you cannot afford to pay the Penalty Notice then by choosing Option 3 you will have the opportunity to explain your situation to the Court. If you either plead guilty or you are found guilty, the Courts have a wider range of sentencing options, which could include a maximum fine of up to £1000.

### **What if I feel a statutory defence applies?**

The only statutory defences to the offence under Section 444(1) Education Act 1966 are:

- The child was absent for medical reasons (needs evidence by GP certificate or appointment card)
- The LA failed to provide transport when required to do so
- The absences were due to religious observance
- You had permission from the school or there was an unavoidable cause

## Policies and Procedures

### **Can a Penalty Notice be withdrawn?**

The legislation governing Penalty Notices states that once a Penalty notice has been issued, it can only be withdrawn by Wiltshire LA in circumstances in which the 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

If you believe that either a) or b) applies in your case then you are asked to contact us in writing without delay in order that we can consider your representations. We must point out that the time period for payment does not stop whilst your representations are being considered.

### **Payment of your Penalty Notice**

Crossed cheque or postal order made payable to Wiltshire Council and posted to Shared Services – Finance, PO Box 4385, Trowbridge, BA14 8JN

Debit/Credit Card by using our online payment service [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk) or automated payment line 24 hours a day 7 days a week on 0300 456 0119 or by calling one of our Customer Services team on 0300 456 0100

**You will need to quote your invoice number and confirm the amount you need to pay.**

### **How can I appeal against a Penalty Notice?**

Appeals must be made in writing to:

The Penalty Notice Officer

Schools and Learning Area Office - South

Wiltshire Council

P O Box 2281

Salisbury SP2 2HX

NB: Appeals can only be considered if they are in writing

### **What happens if I appeal?**

You will receive a written response to your appeal usually within 2 working days. During the appeal process please be aware that the Penalty Notice process will continue and the payment period is not normally extended; however if there is undue delay in responding to an appeal the LA will take this into consideration.

**If you have any questions regarding the Penalty Notice process, please contact:**

The Penalty Notice Officer

Telephone: 01722 438123

Issued by Wiltshire Education Welfare Service

**ISSUE OF A PENALTY NOTICE FOR A HOLIDAY TAKEN DURING TERM TIME**

**Information for Parents and Carers**

**Wiltshire Education Welfare Service**

## Appendix D

# Wiltshire Council Penalty Notice - Code of Conduct

## Rationale

1.1 Regular and punctual attendance of pupils at school is both a legal requirement and essential for pupils to maximise the educational opportunities available to them. Wiltshire Council's Education Welfare Service will investigate cases of irregular attendance from school and, where appropriate, instigate legal action. Penalty Notices offer a means of swift intervention to deal with unauthorised absence to avoid this becoming entrenched.

1.2 Under Section 7 of the Education Act 1996, parents are responsible for ensuring that their child of compulsory school age receives efficient, full time education that is suitable to the child's age, aptitude and ability and to any special educational needs the child may have. This may be by regular attendance at school or otherwise.

1.3 Parents are defined in Section 576 of the Education Act 1996: all natural parents, whether they are married or not; any person who has parental responsibility for a child; and any person who, although not a natural parent has care of a child. Having care of a child means that a person with whom a child lives and who looks after a child irrespective of what their relationship is with that child, is considered to be a parent in education law.

1.4 If a child of compulsory school age who is registered at a school fails to attend regularly at the school then the parent is guilty of an offence under Section 444(1) of the Education Act 1996. It is the commission of this offence that can trigger the use of a penalty notice. If a penalty notice is used by the Local Authority it provides the parent with an opportunity to discharge liability for the offence and avoid court proceedings.

1.5 Wiltshire Council may prosecute for offences under Section 444 (1) of the Education Act 1996. Possible defences available include the following:

- The pupil's absence was authorised by the school
- The pupil was ill or prevented from attending by unavoidable cause
- The absence was on a day exclusively set aside for religious observance by the religious body to which the parent belongs
- The school is not within walking distance of the child's home and the LA has made no suitable arrangements
- The parent can show that their trade or business requires them to travel, and the child has attended school as regularly as the nature of the trade or business allows, and the child has attended school for at least 200 sessions during the preceding twelve months

1.6 Under Section 103 Education and Inspections Act 2006 a parent of an excluded pupil must ensure that the pupil is not present in a public place at any time during school hours on a day which is one of the first five school days to which the exclusion relates or, where that exclusion is for a fixed period of five days or less, any of the days to which the exclusion relates, and is stated in the notice under section 104 (Education and Inspections Act 2006) to be a day on which Section 103(2) applies. If the excluded pupil is present in a public place at any time during school hours on a school day falling within Section 103(2), the parent commits an offence (section 103(3)). A Penalty Notice may be issued by the Local Authority to offer the parent/s an opportunity to discharge liability for this offence. Wiltshire council may prosecute for offences under Section 103 Education and Inspections Act 2006. A possible defence is reasonable justification for a parent to fail to comply with their duty under Section 103(2) of the act.

## Legislation

2.1 The Education (Penalty Notice) (England) Regulations 2007 supports offences under section

## Policies and Procedures

444 of the Education Act 1996. Penalty Notices supplement existing sanctions available under Section 444 of the Education Act 1996 or Section 36 of the Children Act 1989 to enforce attendance at school or alternative provision. There is no legal requirement to consider a Penalty Notice before proceeding to a section 444 prosecution.

2.2 Section 105 The Education and Inspections Act 2006 allows a penalty notice to be issued in respect of excluded pupils in a public place (as mentioned above).

2.3 The Anti-Social Behaviour Act 2003 (section 23) adds two sections (444A and 444B) to the Education Act 1996. These sections introduced penalty notices as an alternative to prosecution and enable parents to discharge potential liability for conviction for that offence by paying a penalty.

2.4 If it appears that an offence under section 444(1) of the Education Act 1996 has been committed and none of the defences outlined above apply, then consideration can be given to issuing a penalty notice

2.5 Penalty Notices will require the parent of a child of compulsory school age whose attendance has been unsatisfactory to pay a penalty currently £120 if paid within 28 days, reduced to £60 if paid within 21 days as stated in the Education (Penalty Notices) (England) (Amendment) Regulations 2013, statutory instrument No 757. (Figures correct at the time of writing, subject to amendment by further Statutory Instrument)

2.6 This Code of Conduct complies with the requirements as set out in Sections 14 – 16 of the Education (Penalty Notices) (England) Regulations 2007

2.7 The issuing of Penalty Notices must conform to all requirements of the Human Rights Act 1998 and Equality Act 2010

### **Procedure**

3.1 In Wiltshire Penalty Notices will be issued by the Education Welfare Service by first class post. In any case where the Penalty Notice is not paid within the prescribed period and where it is not appropriate to withdraw the Penalty Notice the Education Welfare Service will instigate action through the Magistrate's Court as required by legislation. Prosecution in such cases will be for the offence to which the Penalty Notice relates.

3.2 No parent shall receive more than three separate penalty notices resulting from the unauthorised absence of an individual child in any twelve-month period

3.3 Penalty Notices will be issued individually to each parent for each child according to each parent's liability for the offence or offences. An authorised officer has discretion when deciding to issue a penalty notice to one or more parents of a child. The specific circumstances in each individual case will be the determining factor.

3.4 The Education Welfare Service will receive requests to issue penalty notices from schools / academies / colleges in Wiltshire, Wiltshire Police and neighbouring Local Authorities. The Education Welfare Service will take forward these requests providing that:

- The circumstances of the case meet the criteria for the issue of a penalty notice as specified in this code
- All necessary information is provided to the Education Welfare Service in order to establish that an offence, under section 444 (1) of the Education Act 1996 for failure to secure regular attendance or section 103(3) of the Education and Inspections Act 2006 for failure to comply with a duty towards an excluded pupil, has been committed.

3.5 The Education Welfare Service will ensure that the issuing of Penalty Notices is closely monitored to make certain that they are not duplicated, not issued where prosecution proceedings for the same offence are being considered and that recipients pay the relevant fine within the time frames specified.

### **Criteria for the Issuing of a Penalty Notice**

4.1 Penalty Notices can be issued where a pupil has accrued 10 unauthorised sessions within the six-month period prior to the request being made or evidence of an offence under s.103 (3) Education and Inspections Act 2006 is established.

## Policies and Procedures

4.2 The issue of a penalty notice will be preceded by having previously issued a formal warning letter to each parent / carer. The letter will:

- Raise concern regarding the level of the unauthorised absence and give advice regarding contact with the school and the Education Welfare Service
- Advise the parent of the powers of the Local Authority to issue penalty notices
- State the number of unauthorised absences accrued which give rise to the formal warning being issued
- Notify the parent that additional unauthorised absence may lead to a penalty notice if no improvement is effected within an agreed period – the standard period shall be fifteen school days except where exceptional circumstances apply e.g. deliberate parentally condoned absence or where a pupil has been located on a truancy sweep / located by the Police during school time and there are additional occurrences of unauthorised absence.

4.3 Penalty Notices will not be issued for pupils in the care of the Local Authority. Any attendance concerns will form part of the pupil's Personal Education Plan.

### **Circumstances in which a Penalty Notice will be issued:**

5.1 If in the view of an Education Welfare Officer the issuance is deemed appropriate in cases where a parent or parents continually fail to provide an explanation or fails to provide a justifiable explanation for a pupil's absence and this is recorded as an unauthorised absence by the proprietor of the school. This could include late arrival after the register has closed which is recorded as an unauthorised absence where these total 10 or more sessions.

5.2 For pupils stopped during a truancy sweep or located by Police during school hours where there are found to be additional unauthorised absences totalling 10 or more sessions

5.3 Following a request from a School / College / Academy for intervention where the circumstances appear to have been totally avoidable (e.g. too tired after a late night, a birthday treat, family / friends visiting, shopping) where this is unauthorised and these total 10 or more sessions

5.4 Where a school/college/academy makes a notification for an instance of unauthorised leave of absence (holiday during term time) which totals 10 or more sessions continuous or aggregated within the previous six months and within the current academic year and where the proprietor has not given permission or where permission was not sought prior to the unauthorised leave of absence being taken

5.5 Following notification from a neighbouring Local Authority

5.6 For pupils who are stopped by Police in a public place during the first five school days of an Exclusion, whether for a fixed period or permanent exclusion or, where that exclusion is for a fixed period of five days or less, any of the school days to which the exclusion relates as specified in section 103(2) of the Education and Inspections Act 2006 and is stated in the notice under section 104 to be a day on which the parent is subject to this subsection.

### **Procedure for withdrawing Penalty Notices**

6.1 A Penalty Notice may be withdrawn by Wiltshire Local Authority if the Authority determines that:

- It ought not to have been issued
- It ought not to have been issued to the person named as the recipient
- It is materially defective

6.2 Where a penalty notice has been withdrawn in accordance with the above a notice of the withdrawal will be issued to the recipient and any amount paid by way of penalty in pursuance of that notice shall be repaid to the person who paid it. No proceedings shall be continued or instituted against the recipient for the offence in connection with which the withdrawn notice was issued or for an offence under section 444 (1A) of the Education Act 1996 arising out of the same circumstances.

## Policies and Procedures

6.3 A Penalty Notice cannot be withdrawn because of an inability to pay

6.4 If a Penalty Notice is not paid in full before the expiry of the period of paying it and Wiltshire Council has neither instigated proceedings for the offence to which the notice relates nor is contemplating such proceedings, then the notice will be withdrawn.

### **Appeals**

7.1 There is no statutory right of appeal against the decision to issue a penalty notice and the sole authority to authorise absence rests with the Headteacher of the school / academy / college

7.2 The Education (Pupil Registration) (England) Regulations does not permit Headteachers to give authorisation for absence retrospectively.

### **Payment of Penalty Notices**

8.1 The arrangements for the paying of penalty notices will be detailed on the Penalty Notice

8.2 Payment by way of instalment is not permitted. Payment should be made in full according to the dates as stipulated on the Penalty Notice

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

9.1 Non payment of a Penalty Notice will normally result in prosecution under the provisions of section 444 of the Education Act 1996 or prosecution under section 103 of the Education and Inspections Act 2006

### **Publicity**

10.1 All schools / academies / colleges / alternative education provisions intending to use penalty notices must:

- Set out the establishment's process for managing absence
- Ensure that all parents / carers are aware of the process to request leave of absence during term time
- Make notifications to the Local Authority without delay when the particular criteria is reached
- Publish details regarding arrangements of managing absence within the establishment's Attendance Policy