Attendance and Punctuality Policy

Review by policy owners:	Fiona Ordway, Assistant Headteacher, Autumn Term 2022
Review by Trustees:	Lynda Clarke and Doug Croucher, February 2023
Ratified by Board of Trustees:	22 March 2023
Next review date:	For Spring 2 Full Board 2025

Within this policy the term CEO refers to the CEO of the Trust. The term Headteacher refers to the Headteacher of the School.

The Trustees of the Twynham Learning Trust (the Trust) are Charity Trustees and Company Directors and for the purpose of this policy these terms are interchangeable.

This policy reflects the legislation at the time that it was last reviewed. Any changes in legislation will take precedence over anything printed in this policy.

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1. Statement of Intent

Improving attendance is everyone's business.

This policy has been written collaboratively by Twynham Learning schools to ensure that all schools have the same high standards and expectations when it comes to pupils attending schools. Under the auspices of the Twynham Learning Attendance and Punctuality Policy, every school will have its own procedures which are reflective of school's context with links to school websites given at the end of the policy.

It is essential that children and young people form good habits of regular attendance at school from an early age and that good attendance is maintained throughout their school career. We are therefore committed to providing a calm, orderly, safe and supportive environment where all pupils feel valued and welcome, and regular attendance is celebrated. It is a legal requirement that all children should attend their educational provision and it is the parent's responsibility to ensure that their children attend school. We will use every opportunity to communicate to parents and pupils the importance of regular and punctual attendance. High attainment, confidence with peers and staff and future aspirations all depend on good attendance.

Twynham Learning schools have therefore agreed that:

- It is important that pupils are in school on time. Timekeeping is not only important in obtaining maximum benefit from education, it is also a key skill for adult life. Lateness is robustly tracked and analysed by the schools and contributes to absence rates.

- The schools will monitor the attendance of our pupils and work closely with the Local Authority's School Attendance Support Team to support children and young people whose attendance levels are causing concern. This will include liaison between feeder schools and regarding siblings in more than one school.

- Where reasonably possible, schools will hold more than one emergency contact number for each pupil.

- Whilst we understand that children do become ill on occasions, children who lose a lot of time at school can suffer in the long term from significant gaps in their learning. If a child's health continues to affect their education, schools may make a referral to the School Nurse to ensure that appropriate medical advice and support is provided. Schools will also be unable to authorise any absence due to illness, where a pupil's overall attendance is below 90%, unless medical evidence is provided.

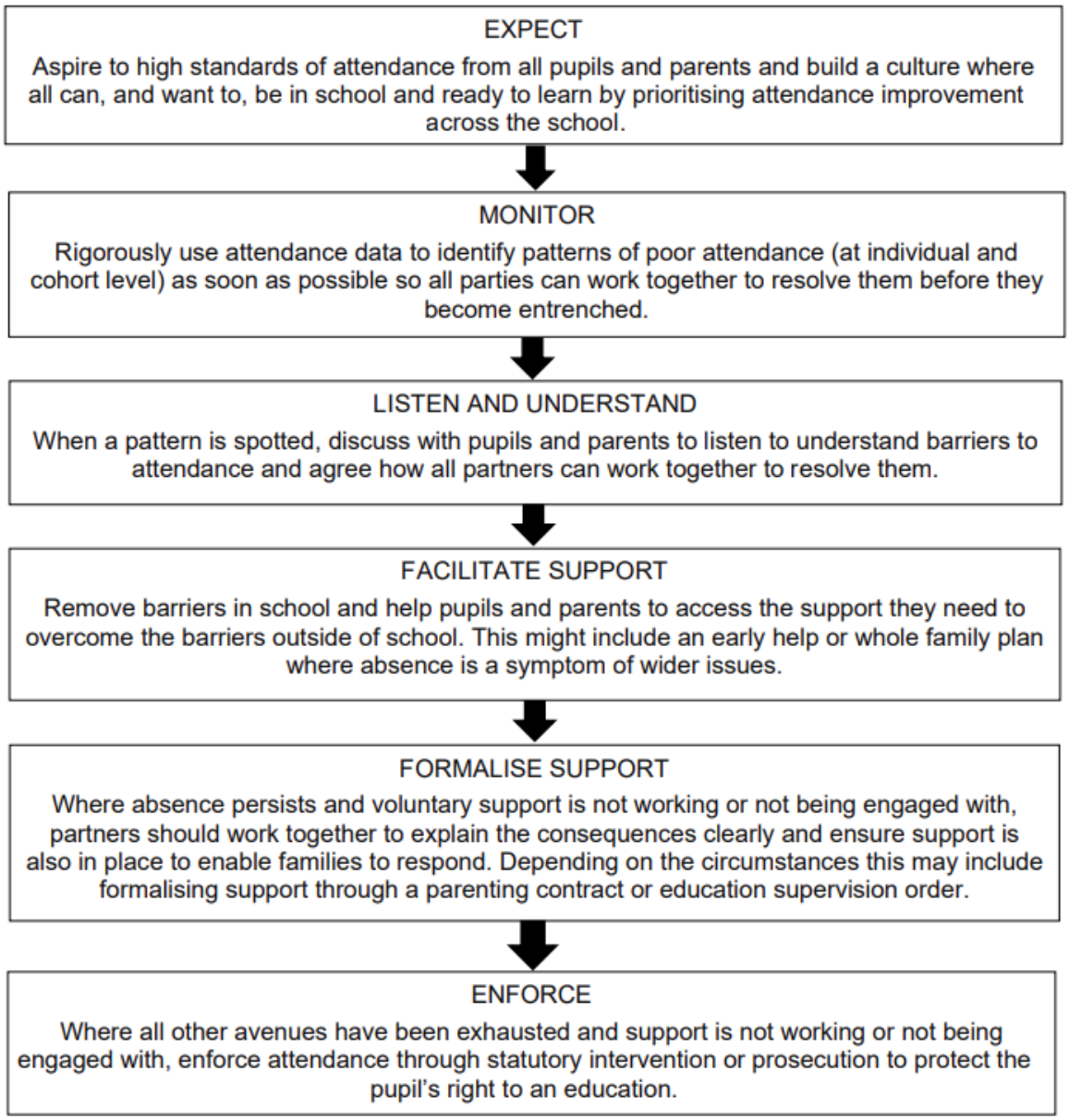
- If a child is ill, it is the responsibility of the parent to ensure that they inform the school. The schools will operate a targeted 'Unexplained Absence' system, which means they will contact you to ask why your child is not in school and when they are expected to return.

- No leave of absence will be granted during term time, except in exceptional circumstances, which may be authorised for a period of up to 10 days by the Headteacher. Family holidays will not be authorised and Fixed Penalty Notices will be requested for all unauthorised family holidays which exceed 10 sessions across the academic year. It is essential that any requests for leave of absence are discussed with the school prior to the request being made in writing.

- Medical appointments during school hours should be avoided, wherever possible.

- Any absence which has not been authorised by the school, including unauthorised lateness, will be recorded as 'unauthorised' and this has the potential to impact on your child's overall absence figure and could result in legal intervention.

We believe in a collaborative approach to improving attendance and will work together with families to:



2. The Power of Good Attendance

https://explore-education-statistics.service.gov.uk/find-statistics/the-link-between-absence-and-attainment-at-ks2-and-ks4

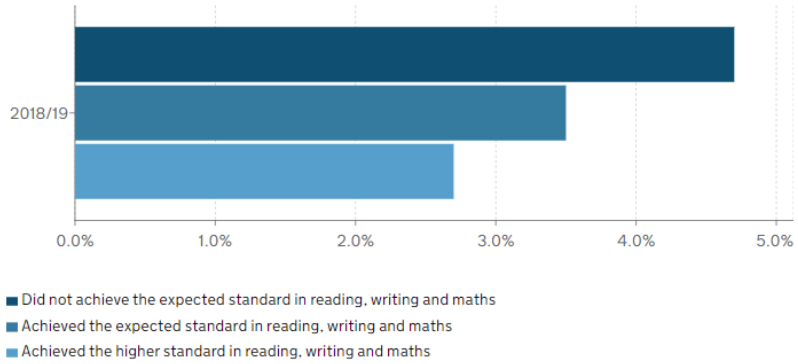
Pupils with higher attainment at KS2 and KS4 have lower levels of absence over the key stage compared to those with lower attainment.

Generally, the higher the percentage of sessions missed across the key stage at KS2 and KS4, the lower the level of attainment at the end of the key stage.

KS2

- Pupils who did not achieve the expected standard in reading, writing and maths in 2019 had an overall absence rate of 4.7% over the key stage, compared with 3.5% among pupils who achieved the expected standard and 2.7% among those who achieved the higher standard.
- Among pupils with no missed sessions over KS2, 83.9% achieved the expected standard compared to 40.2% of pupils who were persistently absent.

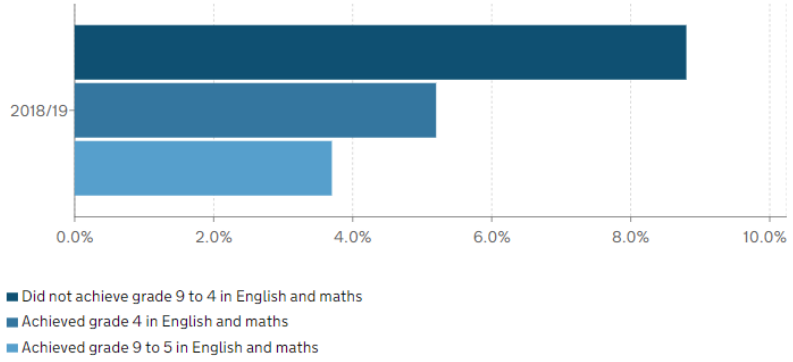
Figure 1: Overall absence rate over the key stage by attainment in reading, writing and maths at the end of key stage 2 in England



KS4

- Pupils who did not achieve grade 9 to 4 in English and maths GCSEs in 2019 had an overall absence rate of 8.8% over the key stage, compared with 5.2% among pupils who achieved a grade 4 and 3.7% among pupils who achieved grade 9 to 5 in both English and maths.
- Among pupils with no missed sessions over KS4, 83.7% achieved grades 9 to 4 in English and maths compared to 35.6% of pupils who were persistently absent.

Figure 4: Overall absence rate over the key stage by attainment in English and maths GCSEs at the end of key stage 4 in England



3. Legal Framework

This policy has due regard to the DfE guidance (2022) *Working together to improve school attendance* and to all relevant legislation and statutory guidance, including:

- The Education Act 1996
- The Education (Pupil Registration) (England) Regulations 2006 (as amended)
- Equality Act 2010
- DfE (2016) *Children Missing Education*
- DfE (2022) *Keeping Children Safe in Education 2022*
- *DfE (2023) Summary of responsibilities where a mental health issue is affecting attendance*

4. Roles and Responsibilities

Pupils:

- Have a responsibility to attend school, and their lessons, regularly, on time, properly equipped and in a fit condition to learn.
- Have a responsibility to ensure that their lifestyle beyond school does not, in any way, adversely affect their ability to attend school regularly, punctually and in a fit condition to learn.

Parents:

- Ensure their child attends every day the school is open except when a statutory reason applies.
- Notify the school as soon as possible when their child has to be unexpectedly absent (e.g., sickness).
- Only request leave of absence in exceptional circumstances and do so in advance, in writing. Book any medical appointments around the school day where possible.
- Should work with the school to support good attendance and commit to engaging positively with the school should a child's attendance cause concern.

Schools:

- Develop and maintain a whole school culture that promotes the benefits of high attendance.
- Have a clear school attendance policy which all staff, pupils and parents understand.
- Accurately complete admission and attendance registers and have effective day to day processes in place to follow-up absence.
- Regularly monitor and analyse attendance and absence data to identify pupils or cohorts that require support with their attendance and put effective strategies in place.
- Build strong relationships with families, listen to and understand barriers to attendance and work with families to remove them.
- Share information and work collaboratively with other schools in the area, local authorities, and other partners when absence is at risk of becoming persistent or severe, particularly when supporting transition between feeder schools
- Have a dedicated senior leader with overall responsibility for championing and improving attendance.

Local Advisory Board (LAB) and the Trust:

- Recognise the importance of school attendance and promote it across the school's ethos and policies.
- Ensure school leaders fulfil expectations and statutory duties.
- Regularly review attendance data, discuss, and challenge trends, and help school leaders focus improvement efforts on the individual pupils or cohorts who need it most.
- Ensure school staff receive adequate training on attendance.
- Share effective practice on attendance management and improvement across schools.

Local Authority:

- Have a strategic approach to improving attendance for the whole area and make it a key focus of all frontline council services.
- Have a School Attendance Support Team that works with all schools in their area to remove area-wide barriers to attendance.
- Provide each school with a named point of contact in the School Attendance Support Team who can support with queries and advice, and agree joint targeted actions for pupils who are persistently or severely absent and those at risk of becoming so.
- Offer opportunities for all schools in the area to share effective practice. Fully supports schools in expecting parents to make sure that children and young people attend school on a regular basis.
- Rigorously track local attendance data to prioritise support and unblock area wide attendance barriers where they impact numerous schools.

5. Attendance Procedures

By law, schools are required to keep an attendance register. The attendance register must be taken at the start of the morning session of each school day and once during the afternoon session.
If a student of compulsory school age is absent, the register must show whether the absence is authorised or unauthorised. Each student must be recorded as:

- Present;
- Attending an approved educational activity;
- Absent;
- Unable to attend due to exceptional circumstances;

The schools will follow up any absences to:

- Ascertain the reason;
- Ensure the proper safeguarding action is taken;
- Identify whether the absence is approved or not; and,
- Identify the correct code to use before entering it on to the school's electronic register, or management information system which is used to download data to the School Census.

5.1 Authorised and Unauthorised Absence

Absence

- Arrival at school after the register has closed
- Not attending school for any reason

Authorised Absences include**:**

- Illness that deems a child 'unfit' for school.
- Medical or dental appointments which cannot be arranged out of school hours
- Days of religious observance
- Leave of absence in exceptional circumstances as agreed by the Headteacher

Unauthorised absences

All absence from school other than the above will be recorded as unauthorised.

Requesting Absence

All requests for a planned absence, must made in writing to the school, prior to the absence being taken.

Please note that Headteacher's will only grant leaves of absence in exceptional circumstances and therefore a leave of absence will be not be granted for the purposes of a family holiday.

Religious Observance

Parents will be expected to request absence for religious observance prior to the absence being taken.

The school will only accept requests from parents for absence on grounds of religious observance for days that are exclusively set apart for religious observance by the relevant religious body. The school will define this as a day where the pupil's parents would be expected by an established religious body to stay away from their employment to mark the occasion.

The school may seek advice from the religious body in question where there is doubt over the request.

Gypsy, Roma and Traveller absence

Where a pupil's parent belongs to a community covered by this code and is travelling for occupational purposes, the parent will be expected to request a leave of absence for their child at least two weeks in advance. Absences will not be granted for pupils from these communities under this code for reasons other than travel for occupational purposes.

Persistent absence

- Missing 10 percent or more of schooling across the year for any reason

Severe absence

- Missing 50 percent or more of schooling across the year for any reason

Unplanned absence

A child not attending school is considered a safeguarding matter. This is why information about the reason for any absence is always required.

If a child is absent, a parent must contact the school before the start of the school day on the first and every day of absence.

Unexplained absence

- If the school does not have contact from a parent, the school will try to make contact with parents, and where relevant, social workers.
- If the school does not receive a response, the school will try to contact all named contacts for the child. The school will subsequently undertake all reasonable enquiries to establish contact, including making enquiries with wider friends or family or by completing a home visit.
- Where absence is recorded as unexplained in the attendance register, the correct code should be inputted as soon as the reason is ascertained, but no later than 5 working days after the session.

Ten days absence

We have a legal duty to report the absence of any child who is absent from school for a duration of 10 days, to the Local Authority's School Attendance Support Team. If a child is absent for any reason for a duration of 10 days or more, the school will contact the family and arrange to speak directly to the child to fulfil our safeguarding responsibilities.

Lateness/punctuality

It is essential that students arrive punctually to school and to lessons. Ongoing and repeated lateness may be reported to the Local Authority's School Attendance Support Team.

Students with medical conditions or specific education needs and disabilities

Some pupils face greater barriers to attendance than their peers. These can include pupils who suffer from long term medical conditions or who have special educational needs and disabilities. Their right to an education is the same as any other pupil and therefore the attendance ambition for these pupils is the same as they are for any other pupil. That said, in working with their parents to improve attendance, our schools will be mindful of the barriers these pupils face and put reasonable adjustments and additional support in place where necessary to help them access their full-time education. This may include pastoral support and timely referrals to wider services and external partners. Reasonable adjustments and additional support outlined in 'individual health care plans' or EHCPs to support attendance at school should be implemented.

Supporting students where a mental health issue is affecting attendance

Schools will set and maintain high expectations for the attendance, engagement and punctuality of pupils who are anxious about attending school. It is important to recognise that, in many instances, attendance at school may serve to help with the underlying issue as much as being away from school might exacerbate it, and a prolonged period of absence may heighten their anxiety about attending in future.

School staff will recognise that there can be attendance challenges where a child has a social, emotional or mental health issue, particularly a severe issue for which the child is receiving clinical treatment.

As per paragraph 219 of the Working together to improve school attendance guidance, school staff should advise parents to notify them on the first day the child is unable to attend due to illness. School staff must record absences as authorised where it is not possible for a pupil to attend due to illness (both physical and mental health related).

Many children will experience normal but difficult emotions that make them nervous about attending school, such as worries about friendships, schoolwork, exams or variable moods. It is important to note that these pupils are still expected to attend school regularly.

School staff will communicate this expectation to parents, and work together with them to ensure that such circumstances do not act as a barrier to regular attendance. Any associated anxiety about attending should be mitigated as much as possible by creating a plan to implement reasonable adjustments to alleviate specific barriers to attendance. These adjustments should be agreed by and regularly reviewed with all parties, including parents.

Support is available at Children's mental health - Every Mind Matters. This is important for children of all ages, but in particular if the child is transitioning from one school to another, or to another class, which may make them more anxious about school.

Any plan to help a child to attend well may also involve making referrals to in-school or external professional support, and schools will be supportive where parents feel the child needs to visit a health professional in relation to a mental health concern.

Part time timetables

All pupils of compulsory school age are entitled to a full-time education. In very exceptional circumstances, where it is in a student's best interests, there may be a need for a temporary part-time timetable to meet a student's individual needs. For example, where a medical condition (including a mental health condition) prevents a student from attending full-time education and a part-time timetable is considered as part of a re-integration package. A part-time timetable will not be used to manage a student's behaviour and will not be treated as a long-term solution. Any pastoral support programme or other agreement must have a time limit by which point the student is expected to attend full-time. In agreeing to a part-time timetable, the school has agreed to a student being absent from school for part of the week or day and will record it as authorised absence.

5.2 Attendance and Absence Codes

Present

- Code / \: Present in school / = am \ = pm
- Code L: Late arrival before the register is closed

Absent

- Code C: Leave of absence granted by the school
- Code H: leave of absence for the purpose of a family holiday granted by the school
- Code E: Excluded but no alternative provision made

- Code I: Illness (not medical or dental appointment)
- Code M: Medical or dental appointment
- Code R: Religious observance
- Code S: Study leave
- Code T: Traveller absence

Unauthorised absence from school

- Code G: Holiday not granted by the school or in excess of the period determined by the school
- Code N: Reason for absence not yet provided
- Code O: Absent without authorisation
- Code U: Arrived in school after registration closed

Attending an approved educational activity

- Code D: Dual registered at another school
- Code B: Off-site educational activity
- Code J: At an interview with prospective employers, or another educational establishment
- Code P: Participating in a supervised sporting activity
- Code V: Educational trip or visit
- Code W: Work experience

Unable to attend due to exceptional circumstances

- Code Y: unable to attend due to exceptional circumstances

Administrative codes

- Code X: Non-compulsory school age pupil not required to be in school
- Code Z: Prospective pupil not on admission register
- Code #: Planned or partial school closure

Registers are legal records and all schools must preserve every entry in the attendance or admission register for 3 years from the date of entry. As the attendance register is a record of the pupils present at the time it was taken, the register will only routinely be amended where the reason for absence cannot be established at the time it is taken and it is subsequently necessary to correct the entry. Where amendments are made, all schools must ensure the register shows the original entry, the amended entry, the reason for the amendment, the date on which the amendment was made, and the name and title of the person who made the amendment.

5.3 Supporting Children who are Persistently Absent or Severely Absent

When a child's attendance drops below 90%, it is classed as persistently absent. If this falls to below 50% it is classed as severely absent.

When a child's attendance drops below these 90%, the school may work with parents to improve their child's attendance, following BCP's Fast Track to Attendance process.

We know that some pupils find it harder than others to attend school and therefore at all stages of improving attendance, we want to work with parents and students to remove any barriers to attendance by building strong and trusting relationships and working together to put the right support in place.

BCP Fast Track to Attendance

Fast Track to Attendance is a 12-week process where clear attendance targets are set at the initial meeting and a Parenting Contract is drawn together which is aimed at resolving any issues preventing regular attendance and identifying any support required to enable regular attendance. The contract is then signed by all parties.

Securing good attendance cannot be done in isolation and will involve discussing and supporting all aspects of a child's development. We have access to a range of advice and strategies we can use to support you and your child, and we may discuss with you:

- Curriculum
- Behaviour
- Bullying
- Special educational needs
- Pastoral support
- Mental health and wellbeing
- Effective use of resources
- Access to outside agencies

A Fast Track Review Meeting is held six weeks after the initial meeting to review attendance and the contract, making any amendments required.

A final meeting is then held six weeks later. If attendance has improved and targets have been met, then a support plan will be drawn up to ensure the improvement is maintained.

If attendance remains poor, at each review, a decision will be made as to whether grounds for legal action are met (either prosecution or a fixed penalty notice in lieu of prosecution). A request can then be made to the Local Authority to issue either a Fixed Penalty Notice or initiate legal proceedings. Parents need to be aware that as there is a chance that legal proceedings could be initiated, the information set out in the contract and contact with them over the Fast Track period could be used as evidence in court.

5.4 Children Missing from Education

This refers to children who stop attending school and who are believed to have left the area without parents notifying the school and where the school has been unable to make contact:

- The school will try to make telephone contact.
- The school will write to the known home address.
- The school could make a home visit if appropriate.
- The school will make informal enquiries to relations or friends of the child and if the child has been missing, with no contact from parents or carers and no information as to where the child is for 10 days, a Child Missing Education Form will be completed and sent to the Local Authority.
- On receipt of such a referral the Child Missing Education representative in the Local Authority will complete checks to locate the child.

- The school will inform the Child Missing Education representative if the child returns to school.

If the school has any Child Protection concerns about the child it will follow the Child Protection Procedures and contact social care **immediately**.

5.5 Deletion of Names from Admission Register

A pupil's name can only be deleted from the admission register for a reason set out in regulation 8 of the Education (Pupil Registration) (England) Regulations 2006 as amended. A pupil's name must not be removed for any other reason and doing so would constitute off-rolling.
The only reasons where a student's name shall be deleted are:

- Ground A - a pupil has a School Attendance Order which has been changed to name another school or revoked
- Ground B - a pupil has been registered at another school
- Ground C - pupil is also registered at one or more other schools and the other schools have agreed the deletion
- Ground D - the parent of a pupil has notified the school in writing that a pupil is receiving education otherwise than at a school
- Ground E - a pupil no longer lives a reasonable distance from the school – regulation
- Ground F - a pupil has not returned following a leave of absence
- Ground G - a pupil is unlikely to return to school before ceasing to be of compulsory school age due to health reasons
- Ground H - a pupil has been continually absent from school for 20 school days – regulation
- Ground I - a pupil is in custody and detained for a period of more than 4 months – regulation
- Ground J - a pupil has died
- Ground K - pupil will cease to be of compulsory school age and will not continue into the sixth form
- Ground L - a pupil has ceased to be a pupil at an independent school or non-maintained special school
- Ground M - a pupil has been permanently excluded from the school
- Ground N - a pupil has not continued at the school following completion of nursery – regulation
- Ground O - a pupil is a boarder at a maintained school or academy and their boarding fees have not been paid

In accordance with regulation 12(6) of the Education (Pupil Registration) (England) Regulations 2006 as amended, a school must notify the local authority when a pupil's name is to be deleted from the admission register under any of the reasons set out in regulation 8, as soon as the pupil's name is to be deleted. This does not apply where the pupil's name is deleted after they have completed the school's final year (for example, pupils who leave primary school at the end of Year 6), unless the local authority requests such information.

6. Legal Intervention

Where all voluntary support options are unsuccessful or are not appropriate (e.g., an unauthorised holiday in term time), the local authority's school Attendance Support Team will liaise with school and the early help lead practitioner or social worker (where applicable) to take forward attendance legal intervention to formalise support and/or enforce attendance.

Where necessary, and in line with the school's attendance strategy, the school will make use of the full range of legal intentions, after considering the individual circumstances of the family. This is applicable to all parents whose child is persistently absent with attendance below 90%. These are:

- Parenting contracts
- Education supervision orders
- Attendance prosecution
- Parenting orders
- Fixed penalty notices

In each case, the school will decide which parent(s) to involve in attendance legal intervention, but generally this will be all parents who have day to day responsibility for the child.

6.1 Parenting Contracts

A parenting contract is a formal written agreement between a parent and either the school or local authority to address irregular attendance at school or alternative provision. A contract is not legally binding but allows a more formal route to secure engagement with support where a voluntary early help plan has not worked or is not deemed appropriate. A parenting contract is not a punitive tool it is intended to provide support and offer an alternative to prosecution.
Parents cannot be compelled to enter a contract, and they cannot be agreed in a parent's absence. If the pupil's irregular attendance continues or escalates to the point where prosecution is deemed appropriate, however, any failure or refusal may be presented as evidence in the case. It is therefore important that any non-compliance with the contract is recorded so that it can be presented in court if necessary.

6.2 Education Supervision Orders

Where a voluntary early help plan, or formal parenting contract has not been successful, an Education Supervision Order (ESO) can be a useful alternative to provide formal legal intervention without criminal prosecution. In all cases, local authorities must fully consider using an ESO before moving forward to prosecution. ESOs are made through the Family or High Court, rather than Magistrates Court. They give the local authority a formal role in advising, helping and directing the pupil and parent(s) to ensure the pupil receives an efficient, full-time, suitable education. The order initially lasts for one year, but extensions can be secured within the last 3 months for a period of up to 3 years at a time.

Once an ESO is secured, an officer of the local authority should be chosen to act as the supervisor of the order on the authority's behalf. The supervisor must determine any directions (requirements the parent must adhere to) to give whilst the order is in force. There is not a prescribed list, but they may include:

- Requiring the parent(s) to attend support meetings
- Requiring the parent(s) to attend a parenting programme or counselling
- Requiring the parent(s) to access support services
- Requiring an assessment by an educational psychologist

Review meetings involving all parties (including the school) should be held every 3 months throughout the period the ESO is in force. At these meetings any actions and directions should be discussed and added or amended.

Where parents persistently fail to comply with the directions given under the ESO, they may be guilty of an offence. Local authorities can prosecute in the Magistrates Court for persistent non-compliance with the Order and parents (upon conviction) will be liable to a fine of up to £1,000.

6.3 Attendance Prosecution

If a child of compulsory school age fails to attend regularly at a school at which they are registered, or at a place where alternative provision is provided for them, their parents may be guilty of an offence and can be prosecuted by the local authority.

Prosecution in the Magistrates Court is the last resort where all other voluntary and formal support or legal intervention has failed or where support has been deemed inappropriate in the circumstances of the individual case. Where it is decided to pursue prosecution, only local authorities can prosecute parents and they must fund all associated costs, including in the preparation of court documentation. Local authorities have the power to prosecute:

- Parents who fail to comply with a school attendance order issued by the local authority to require a parent to get their child registered at a named school (under section 443 of the Education Act 1996). This may result in a fine of up to level 3 (£1,000).
- Parents who fail to secure their child's regular attendance at a school, for which there are 2 separate offences: section 444(1) where a parent fails to secure the child's regular attendance; and section 444(1A) where a parent knows that the child is failing to attend school regularly and fails to ensure the child does so. The section 444(1) offence may result in a fine of up to level 3 (£1,000) and the section 444(1A) offence my result in a fine of up to level 4 (£2,500), and/or a community order or imprisonment of up to 3 months.
- Parents who fail to secure the regular attendance of their child at a place where the local authority or governing body has arranged alternative provision (under sections 444 and 444ZA). This may result in a fine of up to level 3 (£1,000), or if the parent is found to have known the child was not attending regularly and failed to ensure that they did so, a fine of up to level 4 (£2,500), and/or a community order or imprisonment of up to 3 months.
- Parents who persistently fail to comply with directions under an Education Supervision Order (under Schedule 3 to the Children Act 1989) or breach a Parenting Order or directions under the order (under section 375 of the Sentencing Act 2020). These may result in a fine of up to level 3 (£1,000).

The decision to prosecute rests solely with the LA as an independent prosecuting authority, but in deciding whether to prosecute the local authority may wish to consider:

- The level of engagement from the parent and whether prosecution is the only avenue left to demonstrate the severity of the issue to the parent and/or cause parental engagement with the support they require.
- Whether all other legal interventions have been considered and are not appropriate or have been tried and have not worked.

- Whether statutory children's social care intervention would be more appropriate in the case (including a Child in Need or Child Protection Plan), especially where absence is severe.
- The parent(s)' response to formal warning(s) and/or evidence given in the interview under caution – including any statutory exemptions to prosecution that might apply (see below).
- The Attorney General's guidelines for public prosecutors, including public interest tests and equalities considerations.

The 1996 Act also sets out the circumstances in which a pupil has not failed to attend school regularly and therefore the parent has not committed an offence under section 444(1) or (1A) of the Act (the statutory defences). These are:

- The parent proves the pupil was prevented from attending by their ill health or any unavoidable cause, including exclusion.
- The pupil has been granted leave of absence by the school or, in the case of alternative provision, by a person authorised to do so.
- The absence was on a day set aside for religious observance by the religious body to which the pupil's parent(s) belong.
- The parent proves the local authority were under a duty to provide transport to the school and have failed to do so.
- If the school is an independent school, the parent proves that the school is not in walking distance of the pupil's home and the local authority have not made suitable arrangements for the child to either board at the school or be admitted to a state funded school closer to home.
- If the absence was from certain types of alternative provision, the parent proves the child is receiving education otherwise than by regular attendance.
- If the absence was from alternative provision, the parent had not been notified about the provision in writing before the absence.
- If the child has no fixed abode and the parent can prove that their trade / business requires them to travel, and the child has attended school as regularly as the nature of the trade or business permits, and (if the child is 6 or over) the child has attended school for at least 200 sessions during the preceding 12 months up to and including the date on which the proceedings were instituted.

Investigations and Court Presentation

Any prosecution case must be laid before the Court within 6 months of the alleged offence. Parents should be prosecuted by the local authority for the area where the pupil attends school or that has made the alternative provision and the case should be heard in the Magistrates Court for the same area. In taking forward a prosecution and preparing for Court, local authorities should consider the Attorney General's Guidelines for Crown Prosecutors in all cases. Local authorities must also conduct all investigations in accordance with the Police and Criminal Evidence (PACE) Act 1984. This includes fully considering public interest tests and duties under the Equality Act 2010.

Before beginning any legal proceedings, the parent should be given a formal written notification, explaining the process and potential consequences. This should be followed by application to the Magistrates Court for a hearing date and a summons to be issued. The local authority should then serve the summons on the parent, either in person or by first class post. Alongside the summons, the parent should receive a copy of the witness statement taken at the interview under caution.

In presenting the case in Court, the local authority should set out clearly and concisely the facts of the case, including the offers of support that have been made and why they failed. This includes why an ESO has not worked or has not been sought prior to prosecution. Effective Court presentations will also demonstrate the impact of the absence on the pupil and the family (including commentary on the harm and culpability) to support the Court in reaching its decision.

If the parent is found guilty, in reaching their sentence the Magistrates will consider all the relevant information presented to the Court and therefore where the local authority believes a community order or parenting order would be beneficial, they should make a case to the Court. Depending on the circumstances of the individual case, such an order may change parental behaviour more successfully than a fine by requiring the parent to engage in specific activities (such as accessing support services), a parenting programme, or improving family routine through a curfew or exclusion from a place or residence.

Local authorities are encouraged to build close relationships with local Courts to ensure there is mutual understanding of powers and procedures. The Single Justice Procedure should be used for the section 444(1) offence to allow face-to-face Court time to be prioritised for the higher section 444(1A) offence.

6.4 Parenting Orders

Parenting orders are an ancillary order that can be imposed by the Court following conviction for non-attendance alongside a fine and/or community order. Parents' agreement is not required before an order is made. They may be appropriate where the parent has not engaged in support to improve their child's attendance and where compulsion to do so would help change parental behaviour.
The order requires a parent to comply with the arrangements specified in the order by the Court which can include a requirement for parents to attend counselling or guidance sessions (e.g., parenting education or parenting support classes) where they will receive help and support to enable them to improve their child's attendance for up to 3 months.

All parenting orders must specify a 'responsible officer' which will be named on the order. This should be the most appropriate lead practitioner working with the family.

Any breach of the order could lead to a fine of up to level 3 (£1,000).

6.5 Fixed Penalty Notices

Fixed penalty notices are served on parents as an alternative to prosecution where they have failed to ensure that their child of compulsory school age regularly attends the school where they are registered or at a place where alternative provision is provided. Fixed penalty notices can be used by all schools where the pupil's absence has not been authorised by the school and the absence constitutes an offence. Fixed penalty notices can be issued to each parent liable for the attendance offence or offences, which should usually be the parent or parents with day-to-day responsibility for the pupil's attendance.

Fixed penalty notices are intended to prevent the need for court action and should only be used where a fixed penalty notice is deemed likely to change parental behaviour and support to secure regular attendance has been provided and has not worked or been engaged with, or would not have been appropriate in the circumstances of the offence (e.g., an unauthorised holiday in term time).

Fixed penalty notices must be issued in line with the Education (Penalty Notices) (England) Regulations 2007 and can only be issued by a headteacher or someone authorised by them (a deputy or assistant head), a local authority officer or the police. All schools and the police must send copies of fixed penalty notices issued to the local authority.

Criteria for issuing a fixed penalty notice

General non-school attendance (repeated absences) and unauthorised lates

A penalty notice warning letter may be sent when a pupil has had at least 10% absence over a 6-week period. A fixed penalty may then be issued if students have a further 10% unauthorised absence or more over a specified warning period of between 15 and 25 days. The absences do not need to be consecutive.

Leave of absence taken in term time

A fixed penalty notice may be issued:

- Where a parent has taken the pupil on a leave of absence during term-time without the school's authorisation and there are unauthorised absences of at least 10 sessions (5 school days), or
- If more than one period of absence is taken during term-time within any 12 month period without the school's authorisation and there are unauthorised absences of at least 10 sessions (5 school days) overall, or
- Where the school has agreed to a specific number of sessions of leave during term-time due to exceptional circumstances, and any additional sessions of unauthorised leave have been taken outside of the agreed period.

In the case of a suspended pupil

Fixed penalty notices may also be issued where parents allow their child to be present in a public place during school hours without reasonable justification during the first 5 days of a suspension or permanent exclusion. The parents must have been notified by the school at the time of the suspension or permanent exclusion the days that the child must not be present in a public place.

In all cases, the penalty is £60 if paid within 21 days of receipt, rising to £120 if paid after 21 days but within 28 days. The payment must be paid direct to the local authority regardless of who issued the penalty notice.

If the penalty is not paid by the end of the 28-day period, the local authority must decide either to prosecute for the original offence to which the notice applies, or withdraw the notice. Parent(s) can only be prosecuted if 28 days have expired, and full payment has not been made.

There is no right of appeal by parents against a fixed penalty notice.

BCP Council School Inclusion Service will normally only issue, one Penalty Notice resulting from the unauthorised absence of an individual child in any 12-month period. However, there may be cases where it is appropriate to issue more than one Penalty Notice to a family during a 12-month period and these will be assessed on a case-by-case basis.

7. Employment of Children and Young Persons

The Law says:

The following rules apply until school leaving age. A child work-permit application should be completed by the employer.

A child reaches the end of compulsory school age on the last Friday in June in the school year during which he/she becomes 16. A work permit is not required after this date.

A child may undertake 'light work'. This refers to work that is not likely to be harmful to the health, safety or development of a child or to their attendance at school.
There are certain jobs that cannot be undertaken by a child under the age of 16. Examples of prohibited employment types include:

- to sell alcohol, except in a sealed container
- in a commercial kitchen (this includes washing up, unless the washing up area is separate to the kitchen)
- to collect or sort rubbish
- employment where harmful chemical, biological or physical agents are used
- in the personal care of residents of any residential care home or nursing home unless under the supervision of a responsible adult

Hours a child can work during term time

During school term time	Children aged 13 and 14 years	Children aged 15 and 16 years
Daily maximum (Monday to Friday)	2 hours (of which no more than 1 hour may be prior to the start of school hours)	2 hours (of which no more than 1 hour may be prior to the start of school hours)
Daily maximum (Saturday)	5 hours	8 hours
Daily maximum (Sunday)	2 hours	2 hours
Weekly maximum	12 hours	12 hours
Earliest start time	7am	7am
Latest finish time	7pm	7pm
Is employment during school hours permitted?	No	No

Hours a child can work during school holidays

During school holidays	Children aged 13 and 14 years	Children aged 15 and 16 years
Daily maximum (Monday to Saturday)	5 hours	8 hours
Daily maximum (Sunday)	2 hours	2 hours
Weekly maximum	25 hours	35 hours
Earliest start time	7am	7am
Latest finish time	7pm	7pm

A pupil participating in a performance

Section 2 of Regulation 7 enables a head teacher to grant leave of absence for a pupil to undertake employment during school hours for the purpose of taking part in a performance within the meaning of section 37 of the Children and Young Persons Act 1963. Legislation sets out that a local authority

licence must be obtained before a child can take part in a performance. Where the license specifies the dates that a child is to be away from school to perform, as long as the school remains satisfied that this will not have negative effect on a pupil's education, then the school should record the absence for those days as if a leave of absence has been applied for and granted. However, where the terms of the license do not specify dates, it is at the discretion of the head teacher to authorise leave of absence.

8. Schools Attendance and Punctuality Strategies

All schools will monitor and analyse attendance data to ensure that intervention and support is delivered quickly to address habitual absence at the first signs.

The school will collect data regarding punctuality, truancy, and authorised and unauthorised absence, for:

- The school cohort as a whole
- Individual year groups
- Individual pupils
- Demographic groups, e.g., pupils from different ethnic groups or economic backgrounds
- Other groups of pupils, e.g., pupils with SEND, LAC and pupils eligible for FSM
- Pupils at risk of PA

All schools will conduct thorough analysis of the above data to identify patterns and trends. This may include identifying:

- Patterns in uses of certain codes
- Particular days of poor attendance
- Subjects which have low lesson attendance
- Historic trends of attendance and absence
- Barriers to attendance

By clicking on the links below, you will find further information regarding Attendance and Punctuality for each Twynham Learning School. This will include details of:

- How the school will utilise data to identify students and cohorts of students to target attendance improvement efforts
- The school's strategy for reducing persistent and severe absence, including how access to wider support services will be provided to remove the barriers to attendance and when support will be formalised in conjunction with the local authority.

Links to Websites:

- Christchurch Junior School – Attendance & Punctuality - Christchurch Junior School
- Stourfield Infant School – Attendance & Punctuality - Stourfield Infant School
- Stourfield Junior School – Attendance and Absence - Stourfield Junior School
- Twynham Primary School – Attendance & Absence - Twynham Primary School
- The Grange School - Attendance and Absence - The Grange (thegrangeschool.com)
- Twynham School - Attendance and Absence - Twynham School