



Lytham St Annes (LSA) High School

Attendance & Punctuality Policy

LSA High School is committed to safeguarding and promoting the welfare of young people and expects all staff and volunteers to share this commitment.

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Legal Framework

This policy has due regard to all relevant legislation and statutory guidance including, but not limited to, the following:

- Education Act 1996
- Equality Act 2010
- The Education (Student Registration) (England) Regulations 2006 (as amended)
- DfE - 'Working together to improve school attendance'
- DfE - 'Children missing education'
- DfE - 'Keeping children safe in education (KCSIE)'

This policy operates in conjunction with the following school policies:

- Complaints Policy
- Safeguarding and Child Protection Policy
- Behaviour Policy
- Special Educational Needs and Disabilities (SEND) Policy

1 Statement of Intent

Lytham St Annes (LSA) High School believes that, to facilitate teaching and learning, good attendance is essential. Students cannot achieve their full potential if they do not regularly attend school. We understand that barriers to attendance are complex, and that some students find it harder than others to attend school; therefore, we will continue to prioritise cultivating a safe and supportive environment at school, as well as strong and trusting relationships with students and parents.

We take a whole-school approach to securing good attendance and recognise the impact that our efforts in other areas – such as the curriculum, behaviour standards, bullying, SEND support, pastoral support, and the effective use of resources such as pupil premium – can have on improving student attendance.

This is a successful school, and every child plays their part in making it so. We aim for an environment which enables and encourages all students to achieve their potential and aspire to excellence.

For our children to gain the greatest benefit from their education it is vital that they attend regularly and every child should be at school, on time, every day the school is open unless they have an unavoidable reason to be absent. Any absence affects the pattern of a child's schooling and regular absence will seriously affect their learning. Absence or arriving late also disrupts teaching routines and so may affect the learning of others in the same class. Government research shows a direct link between attendance and attainment and good attenders also make better progress socially, learn to work with others, and are better prepared for the transition to further education, training and employment.

LSA High School is committed to:

- Promoting and modelling high attendance and its benefits.
- Ensuring equality and fairness for all.
- Intervening early and working with other agencies to ensure the health and safety of our students.
- Building strong relationships with families to overcome barriers to attendance.
- Working collaboratively with other schools in the area, as well as other agencies.
- Ensuring parents follow the framework set in section 7 of the Education Act 1996, which states that the parent of every child of compulsory school age shall cause them to receive efficient full-time education suitable to their age, ability and aptitude, and to any SEND they may have, either by regular attendance at school or otherwise.
- Ensuring our attendance policy is clear and easily understood by all staff, parents and students.
- Regularly monitoring and analysing attendance and absence data to identify students or cohorts that require more support.

Our attendance target this year is >96%, but all students should strive to achieve 100% attendance.

<i>Attendance (over one school year)</i>	<i>Missed Days</i>	<i>Hours lost learning/lessons</i>
100 %	0	0
96 %	7 days	35
93 %	13 days	65
90 %	20 days (4 weeks)	100
85 %	28 days (5 weeks, 3 days)	140
80%	38 days (7 weeks 3 days)	190
Attendance (over 5 years)		
85-90%	19 weeks = ½ year absence from school	
80%	38 weeks = 1 full year absence from school	

It is very important therefore that you make sure that your child attends regularly and this policy sets out how together we will achieve this.

2 Responsibilities and Expectations

2.1 Families

- Parents and carers have a legal duty to ensure that their children attend school regularly, if they are of compulsory school age and registered at a school (see appendix for details of how the law applies to school attendance and how "parent" is defined in law).
- Parents and students should know the times the school day starts and finishes and when the register closes (see section 4, below); the processes for requesting leave (see section 3.4, below); and the process for informing school of the reason for unexpected absence (as follows).
- Parents must inform school if their child is going to be absent as soon as possible, and at the latest by 9.00 am on the first day of absence (via the school synergy app or by calling the school absence line on 01253 667411). This must be done on each day of the absence and include the reason for absence and give the expected date of return.
- Parents should be aware that it is an offence for their child to be absent from school without a valid reason.
- Parents must ensure their child arrives at school on time, dressed in full uniform, ready and equipped to learn.
- Parents must ensure that all appointments, where possible, are arranged after school.
- Parents must avoid arranging holidays/leave during term time except in exceptional circumstances (see section 3.4)
- Parents must also ensure that school has up-to-date contact information for themselves and emergency contacts.
- Student's responsibilities depend upon their age, maturity and capability but they too must do their best to attend school regularly and punctually. They must aim to achieve 100% attendance and arrive to school on time every day.
- Students must come to school well prepared and with the right attitude; to learn, enjoy and achieve.
- Students must be punctual to all lessons.
- Students should speak to the appropriate member of staff if there are any problems that may affect attendance, punctuality and/or learning.

2.2 School

Head Teacher (with some designated responsibilities to the SLT member/Inclusion Leader with attendance responsibilities)

- Lead on giving attendance a high profile.
- Ensure there are designated staff with day-to-day responsibility for attendance matters and protected time allocated to discharge those responsibilities.
- Ensure a welcoming and inclusive environment for all students, a consistent approach to supporting attendance of students at school and provide the necessary provision for supporting students in school and returning to school following absence.
- Take overall responsibility for ensuring the school conforms to statutory requirements regarding attendance.
- Consider each request for leave against the school's criteria, decide whether some, all, or none of the leave will be authorised and notify parents of this decision.
- Where there is uncertainty regarding an absence, make the decision whether to authorise an absence, or to request further evidence to support the decision-making process.
- Provide regular reports to the governing body on school attendance, including persistent absence and vulnerable groups.

Attendance/Inclusion Lead (and other staff with designated responsibilities for attendance)

- First day response: contact parents if a reason for absence has not been provided and record this information accordingly. Contact emergency contacts if parents cannot be reached.
- Update attendance registers.
- Regularly monitor and analyse data to identify student, class and whole school attendance concerns and to target attendance improvement support for those who need it most, particularly vulnerable groups.
- Regularly communicate student attendance and punctuality levels to parents.
- Work with children and parents to remove barriers to regular and punctual attendance, using parenting contracts where appropriate.
- Involve external agencies to support children and parents as appropriate to better understand and address the issues causing attendance concerns.
- Promote regular attendance through the website and displays and ensure the school's attendance policy is readily accessible.
- Prepare for and lead attendance meetings with Heads of Year and appropriate SLT members to determine interventions for poor attendance.
- Use projects and strategies to improve attendance and punctuality for groups, classes or the whole school (e.g. incentive and reward schemes, certificates and stage letters etc).
- Plan for and support the transition of students (where attendance is below expected) into School in Year 7, in year and moving between years.

All school staff

- Provide a welcoming atmosphere for children and a safe learning environment and support them returning to form and to classes following an absence.
- Be aware of factors that can contribute to poor attendance and punctuality.
- Adhere to the procedures in place within school to promote good attendance.
- Promote the link between attendance and educational attainment to students and parents.
- Complete attendance registers in accordance with the legislation and under the direction of the head teacher.
- Discuss attendance concerns at an early stage with children and parents.
- Raise any concerns about attendance with the attendance lead, head of year and/or head teacher.

Governors

- Ensure compliance with The Education (Student Registration) (England) Regulations 2006, as amended.
- Agree an attendance policy and review it annually.
- Agree targets for attendance at LSA high school.
- Where the school is not meeting its attendance targets, or when the governors believe there is cause for concern, instigate a review of school's attendance procedures.
- Authorise the head teacher (or other designated person) to make decisions regarding leave of absence requests.
- Work with the head teacher (or other designated person) in establishing equitable and consistent criteria against which leave requests will be considered.

2.3 School attendance contacts

Student Absence Line	01253 667411
Form Tutors	first point of contact for all pastoral issues and enquiries about attendance.
Heads of Year	support for more specific and serious attendance queries and help with barriers to attendance.
Head of Year 7	Mrs Fish
Head of Year 8	Miss Hindle
Head of Year 9	Mr Reid
Head of Year 10	Mr Quine
Head of Year 11	Miss Grierson
Attendance Team	Additional support for more specific and serious attendance queries and help with barriers to attendance.
Attendance Business Support Officer	Mrs Kitchener
Attendance & Inclusion Worker	Mrs Otter
Attendance Business Support Officer	Mrs Woolley
Attendance/Inclusion Leader	Mrs McGreehin
SLT member with attendance responsibilities	Miss Gilroy
Deputy Headteacher (Behaviour and Safety)	Mr Bracken
Headteacher	Mr Corbett

2.4 Additional professional support

- **School Attendance Consultants (SACs)**

SACs are schools' first point of contact for attendance advice regarding individual students and the whole school.

- **School Attendance Legal Team (SALT)**

Following requests from schools for legal interventions in the event of failure to attend school regularly, SALT undertakes enforcement processes, including penalty notices, prosecutions, parenting orders, education supervision orders and school attendance orders.

- **Children Missing Education (CME) Team**

The CME team ensures the local authority fulfils its statutory duty to identify children in their area who are not registered students at a school and are not receiving suitable education otherwise than at a school. For further information see section 7, below, regarding notifications schools must submit.

3 Types of absence

Every half-day absence from school is classified by the school as either authorised or unauthorised. This is why information about the cause of any absence is always required from parents/carers. As a school, we will always work with parents (and other agencies, as appropriate) to understand the reasons underlying absence.

3.1 Authorised absences

Authorised absences are mornings or afternoons away from school for a good reason like illness, medical/dental appointments which unavoidably fall in school time, emergencies or other unavoidable causes.

3.2 Unauthorised absences

Unauthorised absences are those which the school does not consider reasonable. If school has followed its attendance procedures and a student continues to have unauthorised absences, the school may request legal interventions from the School Attendance Legal Team. Examples of unauthorised absences are:

- Parents/carers keeping children off school unnecessarily.
- Truancy during the school day.
- Absences which are not explained satisfactorily.
- Children who arrive at school after the register has closed.
- Days off for shopping, birthdays or looking after other children.
- Day trips and holidays in term time which have not been agreed by the Headteacher
- Days that exceed the amount of leave agreed by the Headteacher

It is the Headteacher's responsibility to decide if an absence is authorised or unauthorised. If there is any ambiguity relating to an absence, school may request further evidence from parents before an absence is authorised. This may be in the form of a prescription, appointment card or similar. Parents should not ask their doctor (GP) to provide "sick notes" to excuse absence.

Whilst any child may be off school because they are ill, sometimes they can be reluctant to attend school for other reasons. If your child is reluctant to attend school it is better to speak to school as soon as possible to resolve the issue, rather than trying to cover up their absence, or give in to pressure to let them stay at home. As a school, we will always work with parents (and external agencies as appropriate) to understand and address the reasons behind absence.

3.3 Persistent Absence (PA)

Persistent absence is when a child misses 10% or more of their schooling across the school year for whatever reason, authorised and unauthorised (including illness, exclusion, holiday, etc). Absence at this level will damage any child's educational prospects and we expect parents' fullest support and co-operation to address this.

At LSA, we monitor all absence thoroughly, therefore any student whose attendance indicates they are likely to reach the PA threshold will be prioritised and parents will be informed of this promptly. Students who are persistent absentees are tracked and monitored carefully, and the attendance procedures below (section 5) will be followed.

3.4 Leave during term time

By law, maintained schools cannot authorise any leave in term time other than in exceptional circumstances. Taking a child out of school in term time will affect their education and progress as much as any other absence. If leave is being requested for a holiday or extended leave abroad, approval should be obtained from the head teacher before making any bookings.

Leave of absence in term time **will not** be granted unless:

- a request for leave has been made in advance by a parent with whom the student normally resides (LSA do not have set forms so require an email or letter) **and**
- the Headteacher considers that leave of absence should be granted due to the **exceptional circumstances** relating to the request.

Due to the need to evidence exceptional circumstances, parents are advised to provide school with any relevant information regarding their request at the point of application if they believe the circumstances are exceptional.

The school will not consider the following to be exceptional circumstances:

- The availability of cheap holidays
- The availability of the desired accommodation

- An overlap at the beginning or end of the school term
- The working pattern or availability of parental holiday entitlement

In considering the request school will also consider other factors such as:

- The timing of the requested leave, e.g. when a student is just starting at school or during assessment periods and exams.
- A student's attendance record already includes unauthorised absence.
- Attendance is already a concern, or could become a concern, as a result of taking leave.
- Other periods of leave which the student may have had, either during the current or previous academic year.

Any period of leave taken without the agreement of the school, or in excess of that agreed, will be classed as unauthorised and may attract legal sanctions such as a penalty notice.

In certain circumstances, as outlined in regulation, parents risk losing their child's place on the school roll if leave is taken and the criteria governing removal from roll are met (see appendix).

3.5 Religious absence

School will authorise one day of absence per religious festival, e.g. Eid, and this will be marked as code R in the register. The day authorised will be that stated by the religious body of which the parent is a member.

Parents must request any additional leave in advance and this can only be authorised if the Headteacher agrees that exceptional circumstances apply; this would be registered C.

3.6 Participation in sporting events

Parents can request leave of absence for their child to take part in regional, national and international sporting events. However, as always, granting leave is at the Headteacher's discretion and she/he will need to discuss with you the length and frequency of the absence(s) requested and how learning will continue if absence occurs, e.g. the sports club or association providing an approved education tutor.

Leave for a sporting activity that has been approved by the school and supervised by someone authorised by the school can be marked in the register as code P.

Permission for your child to leave early or arrive late in order to attend coaching and training sessions is also at the discretion of the Headteacher and is unlikely to be approved if it would occur regularly.

3.7 Participation in performances (eg theatre, television, modelling)

Parents of a child performer can request leave from school for their child to take part in a performance. A local authority licence must be obtained before a child can take part in a performance. Before a licence is granted, school will be consulted and the Headteacher must be satisfied that the leave will not have a negative effect on the child's education.

Where the licence specifies the dates that the child is to be away from school, the Headteacher should authorise those days. However, where the licence does not specify dates, it is at the discretion of the Headteacher to authorise the leave request.

Any absence authorised for the child to take part in a performance will be recorded as code C.

Parents wishing to apply for a performance licence should go to the Lancashire County Council [Child performance licences webpage](#).

4 Registration

4.1 Attendance registration

- Morning registration is form time, between 8.40am and 9.10am.
- Afternoon registration is period 3, between 12.10 and 12.30pm.

The school day starts at 8.40am and a warning bell sounds at 8.35am. Students are expected to be on the premises and at their classrooms ready for 8.40am when the registration period starts (i.e. when the register is taken and remains open).

When the attendance register has been taken it remains open until 9.10am in the morning and 12.30pm in the afternoon.

School finishes at:

- 3.10 pm for all year groups.
- NB: Year 7 may finish earlier during the first few weeks in September, but parents will be advised.

4.2 Late arrival

Students who arrive after 8.40am must go straight to the late gate (front of school) to sign in and provide a reason for being late. They must then go straight to their form class.

Students who arrive after the register has been taken (8.40am or 12.10pm) but before it is closed (9.10am or 12.30pm), will be marked as code L. This is classed as late but present for the morning/afternoon session.

Students who arrive after the register has closed (9.10am and 12.30pm) and without a valid reason for being late (such as attending a dental or medical appointment) will be marked as code U, which is classed as an unauthorised absence but indicates that the student was physically present in school for part of the session.

Poor punctuality is not acceptable. If your child misses the start of the day, they are not prepared for the day and can miss work and important information shared with the whole school. Students arriving late also disrupt lessons, which can be embarrassing for the child and can in turn, encourage absence. Being 10 minutes late every day throughout the academic year is the same as missing two weeks of school. Late to lessons will also be monitored to minimise the amount of missed learning time.

4.3 Punctuality to school and lessons

Students who are continuously late to school without a valid reason (school will decide if a reason is acceptable or not), will be issued with a detention. A text will be sent home to parents/carers advising that their child will be in detention.

If your child is often late to school and /or lessons during the day, school will advise you and if there is no improvement, you may be asked to meet with a member of the pastoral support team (Head of year or attendance team) to discuss ways to improve punctuality. Students continuously late to school and/or lessons will receive sanctions. You can approach us at any time if you are having problems getting your child to school on time or you are concerned about them being late to lessons.

Persistent lateness after the register has closed may result in further action, as outlined below, under section 5. (Also see Appendix 1).

5 School attendance procedures

5.1 Student absence without reason or with reason

If your child is absent and we have not heard from you, we will text you on the first day of absence to find out what the reason is and when your child is expected to return. If we do not hear back from you we will try

telephoning and if we are still unable to contact you, we will approach your emergency contacts. If absence continues we will make a home visit. Please note that such home visits may be unannounced.

Where a reason for absence has been provided but your child is off school for a number of days we may still call to discuss their absence and how we can support their return. A home visit may also be made but we will try to arrange these with you, however they could be unannounced.

5.2 Attendance concerns

Parents are expected to contact school at an early stage and to work with us in resolving any attendance and punctuality problems together; this is nearly always successful. However, if concerns persist, school will use the following procedures and interventions, as required, to support parents in improving their child's attendance and/or punctuality:

- Synergy/ATTEND messages, telephone calls and/or letters to make parents aware of school's concern about their child's attendance /punctuality.
- Invitation to meetings to discuss concerns with form tutors, Heads of Year, the Attendance/Inclusion Team and/or senior staff.
- Parenting contracts to identify barriers to regular and punctual attendance, ways to overcome these and agree targets for improvement.
- Invitation to an attendance panel meeting with governors.
- Incentive and reward schemes for individual students, if appropriate.
- The Early Help Assessment (EHA) process and/or referral to other agencies and services, including School Nurses and Primary Mental Health Workers, if appropriate.
- For unauthorised absences, legal interventions by the local authority, such as penalty notices, prosecution or other attendance-related court orders.

At any stage, we may seek advice from our School Attendance Consultant.

Please see appendix 1 for attendance targets and tiers of intervention at LSA.

5.3 Students with medical needs who have difficulty attending school

Government guidance on supporting students at school with medical conditions emphasises the role of governing bodies in ensuring that students with medical conditions are able to fully access education in the same way as other students. A key element of this responsibility is reducing the amount of time missed by these students, whether their condition is short or long term.

School will work with parents and other relevant professionals to minimise absence for reasons of ill health. This may be in the form of specific support or resources used within school or by sourcing appropriate provision at another establishment. When education is to be provided at an alternative location, this should always be done via the use of a direction (please see section 5.7 below).

When a student has been absent from school for an extended period, the Heads of Year, Attendance/Inclusion Team, senior staff and other support services will work with the family to ensure that a smooth reintegration is achieved.

5.4 Students refusing to attend school

At LSA, we believe that every child has a right to a full-time education, and we would not accept "school refusal" as a reason for non-attendance. In such cases, we will work with parents to identify the reasons why a child may be reluctant to attend school. We may, with consent, make referrals to external partners such as the Children and Family Wellbeing Service, School Nurse etc, as appropriate to try to ensure the correct support is secured for the child and their family.

5.5 Promotion of good attendance

School will promote and incentivise attendance by acknowledging and rewarding good attendance by all students and efforts to improve attendance by individual students, including those who have additional needs or challenging circumstances.

5.6 Use of penalty notices

We may request the issue of penalty notices for unauthorised absence. This includes:

- Leave of absence which is taken without a prior request being made.
- Leave taken after a request has been declined.
- Days taken in excess of an agreed period of leave, without good reason.
- Other unauthorised absence that meets the required threshold, including sessions marked as late after the register has closed (code U).

The code of conduct for penalty notices and information and FAQs for parents can be found on the Lancashire County Council [education penalty notice webpage](#).

5.7 Alternative provision and use of directions

There is a range of circumstances when students might be required to access educational provision at a venue other than their main school. The main reasons are:

- Students who have been excluded, either for a fixed period of more than 5 days or permanently.
- Students unable to access provision at their main school for medical reasons.
- Students required to attend another venue for the purpose of improving behaviour, either on a temporary basis or with a view to making a permanent move to the alternative provision (via a managed move).

When a student is required to attend alternative provision for the purposes of improving behaviour, the governors of the main school must issue a written direction or notice informing all parents of the alternative provision which their child is required to attend. Where a student is required to attend alternative provision for other reasons, the issuing of a written direction is considered best practice.

5.8 Notifications school must submit to the local authority

• Admissions

All schools must notify the local authority within five days of adding a student's name to the admission register and must provide the local authority with all the information held within the admission register about the student. This duty does not apply to students who are added to the admission register at the start of the school's youngest year unless the local authority also requests for such information to be provided (currently Lancashire does not).

• Leavers

All schools must notify the local authority when a student's name is to be deleted from the admission register under any of the grounds prescribed in regulation 8 of the Education (Student Registration) (England) Regulations 2006, as soon as the ground for removal is met and no later than the time at which the student's name is removed from the register. This duty does not apply where the student's name is removed after they have completed the school's final year, unless the local authority requests for such information to be provided (Lancashire currently does not).

Where a school notifies a local authority that a student's name is to be deleted from the admission register, the school must provide the local authority with the required information as laid out in regulation.

In addition to submitting a notification about removal from roll, some circumstances also require school to make referral to other local authority teams such as the Elective Home Education team or the Children Missing Education team. Schools may also contact their School Attendance Consultant for advice on removing children from roll.

- **Students who fail to attend**

All schools (including academies) must inform the local authority of any student who fails to attend school regularly or has been absent without the school's permission for a continuous period of 10 days or more.

- **Children missing education (CME)**

Local authorities have a duty to put in place arrangements for identifying (as far as possible) those children of compulsory school age in their area who are not school registered or receiving suitable education otherwise than at a school. Local authorities should trace those children and ensure they receive a full-time education.

If a student has stopped attending and her or his location is unknown, schools must make reasonable enquiries to establish the whereabouts of the child jointly with the local authority, before deleting the student's name from the register. In such cases, school should undertake a home visit, prior to a referral being made to the local authority Children Missing Education team.

Appendix 1: Attendance/Punctuality Targets and Tiers of Intervention

Attendance %: during a term and over a year	Action:	Person Responsible:
96% - 100% Excellent Attendance	<i>Regular and punctual attendance will maintain excellent attendance</i> <u>Reward</u> – group and individual students All attendance figures shared with whole school Positive contact home (email/text/postcards)	Head of Year and Attendance/Inclusion Team
93% - 96% Good Attendance	<i>Continued regular/punctual attendance (no absences) this will become excellent.</i> <u>Monitor</u> – Through regular reports available to form tutors (and Heads of Year) via school systems. This info is then shared with students in form time. Group attendance information (forms/year/house) will be displayed in school. Look for patterns of absence and early signs of barriers for excellent attendance.	Form Tutors, Heads of Year, (Attendance/Inclusion Team to support)
90% - 93% Unsatisfactory Attendance	<i>Attendance is falling below a satisfactory level and is in danger of becoming a serious concern. Interventions may be required to ensure improvement.</i> <u>Action:</u> Contact home via phone calls/text/emails so school and parents/carers can work together to identify barriers to improving attendance. Concern letters may be sent and a meeting with parents may be requested. Students spoken to- identify any barriers to attending and what support might help	Form Tutors, Heads of Year, Attendance/Inclusion Team Form Tutors
Below 90% Serious concern	<i>Additional intervention may be required.</i> <u>Intervention:</u> Fortnightly meetings between Head of Year/Attendance & Inclusion Team/Senior Leaders where all students with less than 90% attendance are discussed. Interventions are decided and formalised at these meetings. All interventions offer appropriate support for the student and family and should have a positive impact. Where they don't, alternative interventions and escalation are decided. If improvements are made interventions may cease or can continue if this is in the student's best interest. Interventions may include: - Targeted student work (possibly through the student hub eg Thrive, aspire, impact programmes) - Bespoke reintegration timetable (time limited) - Referrals to other agencies (school SEN team, family early help and wellbeing team, children's social care, school nurse etc) - Meetings with parents and students - Home visits to help assess reasons for poor attendance - Target setting with both parents and students (time limited) - Attendance contracts - Governor attendance panel - Concern (staged) letters - Legal intervention ~ (this list is not exhaustive)	Head of Years Attendance/Inclusion Team Student Inclusion Team/Workers SENCO Senior Leadership Team
Continuous poor punctuality	- Text messages sent home - Students spoken with, to identify barriers - Parents contacted via phone and/or meetings - Detentions issued to students ~ (this list is not exhaustive)	Attendance/Inclusion Team Heads of Year

Appendix 2: School Attendance and the Law

There are many pieces of legislation and government regulations and guidance that are relevant to school attendance and to children and their parents and carers. The list below relates to this attendance policy but is not exhaustive.

Parents and carers

Duty to ensure children receive education

Section 7 of the Education Act 1996 covers the duty of parents to secure the education of children in their care who are of compulsory school age and states:

The parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable—

- (a) to his age, ability and aptitude, and*
- (b) to any special educational needs he may have, either by regular attendance at school or otherwise.*

Offence if a child does not attend regularly

Under Section 444 of the Education Act 1996, if a child of compulsory school age who is a registered student at a school fails to attend regularly, their parent is guilty of an offence.

The offence is absolute as the only defences available to the parent are those statutory defences listed within that section of the Act, i.e.:

- the child was absent with leave granted by the school.
- the child was prevented from attending by reason of sickness or any unavoidable cause.
- absence was on a day exclusively set apart for religious observance by the religious body to which their parent belongs.
- that the school is not within statutory walking distance and that the local education authority has made no suitable transport arrangements or enabled the student to become registered at an alternative nearer school.

Compulsory school age

Section 8 of the Education Act 1996 establishes that a child becomes of compulsory school age on the start date of the term following her/his fifth birthday, or that day if her/his fifth birthday falls on the day term starts.

A child ceases to be of compulsory school age on the last Friday in June in the academic year in which he/she reaches the age of 16 or if he/she reaches 16 after the last Friday in June but before the start of the new school year.

Legal definition of "parent" in relation to attendance

The law requires that all "parents" are held responsible for their child's attendance. This definition can include any person who has care of the child. Section 576 of the Education Act 1996 states:

Meaning of "parent".

(1) In this Act, unless the context otherwise requires, "parent", in relation to a child or young person, includes any person—

- (a) who is not a parent of his but who has parental responsibility for him, or*
- (b) who has care of him.*

Thus, the definition of "parent" means all natural parents, whether they are married or not, and includes any person who, although not a natural parent, has parental responsibility and/or care for a child or young person.

Schools

Attendance and absence registration codes

Working together to improve school attendance, DfE, published May 2022, updated August 2024.

Data protection

Schools must ensure that personal data is handled in accordance with the Data Protection Act 2018. See LSA's Privacy Notice for information about how personal data will be used.

Duty for schools to include attendance information in reports for parents

The Education (Student Information) (England) Regulations 2005

Duty for schools to notify the local authority when students join or leave school

Regulation 12 of The Education (Student Registration) (England) Regulations 2006

Duty for maintained schools to publish attendance data

What maintained schools must publish online, DfE guidance

Duty for schools to report attendance concerns about individual students to the local authority

Regulation 12 of The Education (Student Registration) (England) Regulations 2006

Duty for schools to report attendance data to Government

Section 537A of the Education Act 1996 and

Complete the school census, DfE guidance for schools and local authorities re: the data that government requires

Duty for schools to safeguard and promote the welfare of children

Keeping children safe in education: Statutory guidance for schools and colleges, DfE, regularly updated

Leave in term time *

September 2013 amendment to The Education (Student Registration) (England) Regulations 2006

* This regulation does not apply to academies, though many adopt this as good practice.

Legal interventions

Parents/carers commit an offence if a child who is on a school roll fails to attend regularly and those absences are recorded by the school as unauthorised.

Legal interventions are available under the following Acts, Guidance and Regulations:

- Section 444 of the Education Act 1996
- Section 36 of the Children Act 1989
- Section 23 of the Anti-Social Behaviour Act 2003
- The Education (Penalty Notices) (England) Regulations 2007
- The Education (Penalty Notices) (England) (Amendment) Regulations 2013
- School attendance parental responsibility measures 2015

Students with health needs who cannot attend school

Supporting students at school with medical conditions: Statutory guidance, DfE, 2015

Students with individual needs and specific barriers to attendance

When considering the individual needs of students and families who have specific barriers to attendance, schools should be mindful of their obligations under the UN Convention on the Rights of the Child and the Equality Act 2010. Schools may wish to refer to the Technical Guidance for Schools in England, published by the Equality and Human Rights Commission, which outlines the requirements of the Equality Act 2010 for schools.

Regulations regarding participation in performances

The Children (Performances and Activities) (England) Regulations 2014

Regulations regarding removal from roll

Regulation 8 of The Education (Student Registration) (England) Regulations 2006

Regulations regarding the school day and number of sessions

The Education (School Day and School Year) (England) Regulations 1999

Requirement for state-funded mainstream schools to deliver a school week of at least 32.5 hours by September 2023.

Minimum expectation on length of the school week: information note