

Rye College Policy

Policy Title:	Attendance
Leadership Responsibility:	Head of College/Deputy Headteacher
Review Body:	Executive Headteacher
Date:	October 2021
Review:	October 2022

Context

The aim of this Attendance Policy is to enable the Aquinas Church of England Education Trust (the Trust) and Rye College (the Academy) to provide a consistent practice that encourages and facilitates the regular attendance of all students. Regular attendance is key to steady progress and enjoyment of learning, and for this reason the Academy is dedicated to ensuring its attendance policy is adhered to as much as is possible.

The Academy takes a holistic approach to maintaining excellent attendance and it is the joint responsibility of parents and families, students and all staff members to ensure that students are attending the Academy as they should be. We endeavour to work with families to make sure that any problems or circumstances which may lead or be leading to poor attendance are given the right attention and appropriate support.

This policy should be read in conjunction with the following Trust and Academy policies:

- Academy Accessibility Plan;
- Academy Behaviour Management Policy;
- Academy Child Protection Policy;
- Academy Prevention of Bullying Policy;
- Trust Equality Policy;
- Trust Safeguarding Policy;
- Trust Special Educational Needs and Disability Policy.

Legal Framework

Section 7 of the Education Act 1996 states that:

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

- a) To their age, ability and aptitude, and
- b) To any special educational needs they may have, either by regular attendance at school or otherwise.

The 'otherwise' includes home education. Children must remain in full-time education for as long as they are of compulsory school age.

A person begins to be of compulsory school age —

- a) When they attain the age of five, if they attain that age on a prescribed day, and
- b) Otherwise at the beginning of the prescribed day next following their attaining that age.

Prescribed days are 31 August, 31 December and 31 March.

A person ceases to be of compulsory school age at the end of the day which is the school leaving date for any calendar year (the last Friday in June) —

- a) If they attain the age of 16 after that day but before the beginning of the school year next following,
- b) If they attain that age on that day, or
- c) (Unless paragraph (a) applies) if that day is the school leaving date next following their attaining that age.

From September 2015 Section 2 of the Education and Skills Act 2008 requires a young person to continue in education or training until their 18th birthdays.

The Education (Pupil Registration) Regulations make provisions for the necessity of admission registers and attendance registers of students as well as the granting of leave of absence for pupils. There is no entitlement for pupils to be granted leave of absence for holidays during term time, only the Head of School or those authorised by the Head of School can do this. Schools may authorise any absence but inappropriate use can be just as damaging to a child's education as unauthorised absence.

The Academy is dedicated to complying with attendance laws set out by the legal framework and has set out this attendance policy accordingly.

Further information can be found in 'DFE: School Attendance: Guidance for Schools'.

www.gov.uk/government/publications/school-attendance

Objectives

The aims of this policy are to:

- Improve pupils' achievement by ensuring high levels of attendance and punctuality;
- Encourage pupils to attend school regularly and therefore take full advantage of the educational opportunities available;
- Create an ethos in which good attendance and punctuality are recognised as the norm and seen to be valued by the academy;
- Raise awareness of parents, carers and pupils of the importance of uninterrupted attendance and punctuality at every stage of a child's education;
- Work in partnership with students, parents, staff and the Education Welfare Service so that all students realise their potential, unhindered by unnecessary absence;
- Promote a positive and welcoming atmosphere in which students feel safe, secure, and valued as well as support the growth in pupil of a sense of their own responsibility for attendance;
- Recognise the key role of all staff, but especially class teachers, in promoting good attendance;
- Establish a pattern of monitoring attendance and ensure consistency in recognising achievement and dealing with difficulties.

The Head of School and Deputy Headteacher are responsible for the implementation of this policy.

Key roles and responsibilities

The following key roles and responsibilities are part of our approach to promoting and maintaining high attendance.

Headteacher

The Headteacher will:

- Ensure that the importance of attendance is made clear by promoting the relevant policies and guidance directed at parents and staff;
- Annually review the Attendance Policy and ensure that all provisions are in place to allow staff, parents and families and students to implement the policy effectively;
- Ensure that all legislation regarding attendance is complied with and that up-to-date guidelines are communicated to parents and families, students and staff;
- Report on attendance percentages to the Trust on a half termly basis;
- Work out appropriate and accurate annual attendance numbers and future attendance targets, and submit these to the county council within an agreed timescale each year;
- Monitor the implementation of the policy and review attendance with the Academy's senior leadership team in order to achieve and maintain the Trust's annual attendance targets;
- Ensure that the Academy is implementing effective means of recording attendance and organising that data, including for students who are educated off-site;
- Ensure that staff at the Academy are clear on how to analyse attendance data and how to communicate the findings effectively to parents and families and staff;
- Use any data gathered to devise solutions to problems, make the proper adjustments to attendance coordination and target set for the future.

Senior Leadership Team

The senior leadership team will:

- Be active in their approach to promoting good attendance to students and their parents and families, which includes forming positive relationships with families;
- Ensure that teaching and learning experiences encourage regular attendance and that students are taught the value of high attendance for their own progression and achievement;
- Monitor the implementation of the attendance policy and its effectiveness and take the necessary remedial step to improve student attendance;
- Ensure that all relevant staff are up to date with the attendance policy, legislation and government guidance, and that staff are fully trained to recognise and deal with attendance issues;
- Ensure that legislation and government guidance on attendance is complied with and that the Academy's senior leadership team are conversant with the legislation and any changes;
- Nominate a member of the senior leadership team to take the responsibility of overseeing and monitoring attendance provision and that this person has sufficient time and resources to give to this role;
- Submit periodic reports to the Trust on attendance records, data and provision;
- Ensure that systems to record and report attendance data are in place and working effectively;

- Develop multi-agency relationships to help with poor attendance and support families who are having difficulties getting their child to attend;
- Document any specific interventions or steps taken to work with families to improve their child's attendance in case of future legal proceedings.

Teachers and Student Support

Teachers and support staff will:

- Be active in their approach to promoting good attendance to students and their parents and families, which includes forming positive relationships with families;
- Ensure that teaching and learning experiences encourage regular attendance and that students are taught the value of high attendance for their own personal progression and achievement;
- Ensure that they are fully aware and up to date with the attendance policy, legislation and government guidance, and that they will speak to another member of staff or seek support if they are unsure how to deal with an attendance issue;
- Ensure that they are following the correct systems for recording attendance and that attendance is taken daily;
- Contribute to strategy meetings and interventions where they are needed;
- Work with external agencies to support students and their families who are struggling with regular attendance.

Parents and Families

We request that parents and families:

- Engage with their children's education – support their learning and take an interest in what they have been doing in the academy;
- Promote the value of good education and the importance of regular attendance at home.
- Encourage and support their children's aspirations;
- Follow the set procedure for reporting the absence of their child from the Academy and include an expected date for return;
- Bring a note of explanation from their parents or carers to explain an absence that has happened or is foreseen;
- Do everything they can to prevent unnecessary absences, such as making medical and dental appointments outside school hours;
- Use the Academy as a support when they or their child are having difficulties, and work to form a positive relationship with the Academy so that there is easy communication when a problem arises;
- Keep the Academy informed of any circumstances which may affect their child's attendance;
- Enforce a regular routine at home in terms of homework, bedtime, etc. so that the child is used to consistency and the Academy day becomes part of that routine. It is vital that the child receives the same message at home as they do at the Academy about the importance of attendance;
- Do not take their children out of the Academy for holidays during term time. If parents and families would like to make a special request for this, they may do so to the Head of School;
- **ALL REQUESTS FOR HOLIDAY DURING TERM TIME WILL BE REFUSED BY THE HEAD OF SCHOOL. ANY REQUESTS FOR ABSENCE SHOULD BE IN 'EXCEPTIONAL' CIRCUMSTANCES.**

LEGAL WARNING

“IF THE REQUEST IS UNAUTHORISED THE EDUCATION SUPPORT, BEHAVIOUR AND ATTENDANCE SERVICE WILL BE NOTIFIED OF THE ABSENCE AND A PENALTY NOTICE MAY BE ISSUED. A PENALTY NOTICE IS ISSUED TO EACH PARENT FOR EACH CHILD TAKEN OUT OF SCHOOL AND THAT THIS IS A FINE OF £60 WHICH INCREASES TO £120 IF NOT PAID WITHIN THE TIME LIMIT. IF IT IS NOT PAID, THIS WILL RESULT IN LEGAL ACTION.”

Students

We request that students:

- Be aware of the attendance policy, and when and what they are required to attend. This will be communicated to them by staff, support from parents and families and the timetable;
- Speak to their form tutor or another member of staff if they are experiencing difficulties at the Academy or at home which may impact on their attendance;
- Attend all lessons ready to learn, with the appropriate learning tools requested and on time for the class. Lesson times will be made clear through their timetable;
- Bring a note of explanation from their parents or carers to explain an absence that has happened or is foreseen;
- Follow the correct set procedure if they arrive late. Students are held responsible for this and it is made clear to all students what this procedure is by their form tutors. This will help the Academy to monitor attendance and keep accurate records for the child’s individual attendance, and is also vital for health and safety under emergency evacuation procedures;
- Sign and comply with our Home-School Agreement.

Definitions of Student Absence

Please note that this list is not exhaustive. **Only the Academy may authorise any student absence.**

Absence from school is defined as either:

- Arrival at the Academy after the register has closed;
- Not attending the Academy for any reason.

The Academy defines **authorised absence** as:

- An absence for sickness for which the Academy has granted leave;
- Medical or dental appointments which unavoidably fall during school time for which the Academy has granted leave;
- Religious or cultural observances for which the Academy has granted leave;
- An absence due to a family emergency for which the Academy has granted leave.

This is not an exhaustive list.

The Academy defines **unauthorised absence** as:

- Parents and families keeping children off school unnecessarily or without reason;
- Truancy before or during the Academy day;
- Absences which have not been properly explained;
- Arrival at the Academy after the register has closed;
- Shopping, looking after other children or birthdays;
- Day trips and holidays in term time which have not been authorised;
- Leaving the Academy for no reason during the day;

- Parental withdrawal from the Academy without the consent of the headteacher e.g. inclement weather when Severe Weather Policy is not active.

Please note: Penalty notices can be used if a student is absent from the Academy without permission or good reason and if the absence is unauthorised by the Academy. In all cases during an attendance support meeting a warning letter will first be issued. Following the warning letter, if a student has ten unauthorised sessions of absence (5 school days), within ten school weeks, a penalty notice will be issued.

The Academy defines 'persistent absence' (PA) as:

- Missing 10 per cent (10%) or more of schooling across the year **for whatever reason.**

Percentage absence – what it really means...

Percentage	Days off	Weeks off	Hours missed
100%	0	0	0
95%	9	2	45
90%	19	4	95
85%	29	6	145

Categories of Absence & Procedure for Reporting Absence

Absences will be treated as unauthorised unless a satisfactory explanation for the student's absence is given to the Academy. Parents and families cannot authorise absences.

Colleagues will make it clear on the register when taking attendance whether a child's absence is authorised or unauthorised. Where colleagues have any concerns regarding absences they will follow the Academy's procedures.

When a student is to be absent from school without prior permission, parents and families should inform the Academy **by email** studentabsence@ryecollege.co.uk or telephone on the first day of absence and let them know what date they expect the child to return. For a prolonged absence, this should be followed up with a written note from the parent of the student and /or medical evidence. Alternative arrangements will be made individually with non-English speaking parents or carers.

Illness

Most cases of absence due to illness are short term, but parents and families will need to **email** to alert the Academy on the first day/each day of absence before 9.00am. When **telephoning**, **when** the student returns to the Academy they should bring a note from their parent explaining the absence – this is required for the Academy's records.

For any absence longer than 5 days due to illness, parents may be asked to provide the Academy with medical evidence such as a note from the student's doctor, an appointment card or a prescription paper.

Medical or dental appointments

Parents and families should make every effort to ensure these appointments are made outside school hours. Where it cannot be avoided, students should attend the Academy for as much of that day as possible. Evidence of the appointment may be requested.

Authorised absences

Absence will only be authorised by the Academy.

Exclusion

Fixed period exclusion is treated as an authorised absence. The Academy will arrange for work via ClassCharts. We will provide passwords for these platforms in the letter informing you of the fixed period exclusion. This work will be for the first five days. Reference should be made to our Behaviour Management Policy.

Please note: If a student is found in a public place during the Academy day during the period of a fixed period exclusion, the East Sussex Behaviour and Attendance Service will issue a penalty notice.

Family holidays and extended leave

Parents and families should make every effort to ensure that family holidays and extended leave are arranged outside of term time. All requests for holiday during term time will be refused by the Head of School. Any requests for absence should be in 'exceptional' circumstances. Requests for exceptional leave of this type must be made in writing on the form provided to the Head of School fourteen (14) days in advance of the leave being taken. Retrospective applications will not be considered and the time taken will be processed as unauthorised absence. The Head of School may only grant such requests in exceptional circumstances and the Head of School's decision is final on whether the request is approved and the length of absence approved.

As in all absences, it is the student's responsibility to catch up on any missed lessons.

All requests for authorised absence will be responded to, and will outline the details of when the student is expected to return to the Academy. Parents and families should contact the Academy immediately if there will be a cause for delay from the stated date of return.

If permission is not granted, but the student is still absent, the absence is classed as unauthorised and parents and families may be subject to further action by the Academy or prosecution by the county council.

If the Academy suspects that an unauthorised absence is as a result of a holiday we will send a letter asking for medical evidence for the length of the absence. Failure to provide this evidence or respond to the letter will result in a Fixed Penalty Notice.

LEGAL WARNING

"IF THE REQUEST IS UNAUTHORISED THE EDUCATION SUPPORT, BEHAVIOUR AND ATTENDANCE SERVICE WILL BE NOTIFIED OF THE ABSENCE AND A PENALTY NOTICE MAY BE ISSUED. A PENALTY NOTICE IS ISSUED TO EACH PARENT FOR EACH CHILD TAKEN OUT OF SCHOOL AND THAT THIS IS A FINE OF £60 WHICH INCREASES TO £120 IF NOT PAID WITHIN THE TIME LIMIT. IF IT IS NOT PAID, THIS WILL RESULT IN LEGAL ACTION."

Fixed Penalty Notices: Holidays in term-time

In all cases - if the Head of School does not authorise a written request from a parent or family for a holiday lasting a minimum of ten sessions (five school days) of absence a Fixed Penalty Notice is issued by East Sussex Behaviour and Attendance Service.

Please see Appendix 5 for more information on Fixed Penalty Notices (FPN).

Religious observance

The Academy recognises that there may be times where students of different faiths observe religious festivals that fall outside of school holidays and weekends, and will allow reasonable authorised absence for these times.

Parents and families will be aware of these dates and should provide written notification to the Academy in advance stating the religious festival being observed.

Late arrival

Registration begins at 9.00am. Students who arrive after this time but within the registration period will be marked as late. **The registration period ends at 9.10am**

Students who arrive after the registration period has ended should go straight to lesson via reception where they will be asked to sign in and give a reason for their lateness. Any unjustifiable reason for absence will be marked as unauthorised. It is vital that students sign in at reception to ensure that appropriate health and safety regulations are followed and that all students are accounted for.

A register is also taken at the start of all subject lessons by the subject teacher, and any unexplained absences reported back to the Academy's attendance officer. If a student is late to the lesson this will be recorded on the register.

Persistent lateness will result in an Attendance Support Plan and/or a fine.

Unauthorised Lateness – i.e. arrival at school after the register has closed

Where a minimum of 10 unauthorised late absences have accrued within a 10-school week period, following a warning letter, a Penalty Notice may be issued.

During the 10 school weeks' review period any other unauthorised absence will also be included in the 10 sessions. The 10 sessions need not be consecutive.

Action by the Academy to follow up absences

Class registers are completed electronically and monitored **in the first twenty minutes** of the period. Where there are unexplained or unauthorised absences, the Academy will contact the parents and families, that day. **(This includes if a student fails to arrive at lessons during the day)**. Students who are identified as vulnerable will be prioritised, this includes students with poor attendance being monitored by the college, students with East Sussex Behaviour and Attendance support, children's services involvement and /or known medical conditions. This is not an exhaustive list.

If a pattern of unauthorised absences emerges, the attendance officer will contact the parents and families to discuss possible reasons and support systems that could help.

Parents and families will be contacted if a student gives a reason for an unauthorised absence and there is doubt about the truth of the excuse.

The attendance officer will chase students and parents for a written explanation/email from their parents and families for their absence upon the student's return from being away. This is required for the Academy's records and is necessary no matter what the reason or length of the absence.

Where students have been away for long term medical reasons, the Academy will support that child when they return to help them catch up on any work that they have missed.

Where a student has been absent from the Academy for a period of more than 10 school days, and where the absence was unauthorised, the Academy will report the child as 'Missing from Education' to the county council. The county council will make every attempt to contact the parents and families, and will notify the Academy when to take a student off-roll. The Academy will take disciplinary action against any students who are discovered to be truanting and parents and families will be contacted to discuss possible reasons and support systems that could help. The Academy may take further action against the parents and families, including referral to the county council to begin criminal proceedings against the parents.

The attendance officer will invite parents in for an Attendance Support Meeting.

Please note Fixed Penalty Notices may be used for truancy.

"Persistent unauthorised absence: where a minimum of 10 unauthorised absences have accrued during a 10-school week period, following a warning letter, a Penalty Notice can be issued. The 10 sessions need *not* be consecutive"

Rewarding Good Attendance

The Academy will acknowledge 100% attendance by recognising the achievement in assemblies. Educational trips and events are a privilege. Where attendance drops below 97% these privileges may be taken away. Attendance at the Year 11 Prom is by invitation only, and a student's attendance record may be considered.

Inclusivity and Equality

We recognise that our students bring with them a wide variety of behaviours influenced by life experiences outside school. We aim to respond to each case professionally, objectively and compassionately. We are sensitive when working with children and families with specific needs and experiences and we continuously seek ways to promote successful partnerships. The basis of differentiation will vary dependent on the needs of each case but we will consider the views of parents and families, colleagues and external agencies together with any Education, Health and Care Plan. We will also ensure compliance with the Trust's Equality Policy considering students with protected characteristics and making reasonable adjustments for students with a disability within the meaning of the Equality Act 2010. Both the Academy and the Trust respects the Public Sector Equality Duty (PSED) that requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. By following the Trust's Equality Policy, the Academy seeks to eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by

such legislation. All of this will be considered before any legal proceedings/fixed penalty notices are issued.

Complaints

Please refer to the Academy's Complaints Policy if you have any concerns in relation to the procedures or processes that have been applied in relation to the Academy's management of this policy.

Reviewing

This policy will be reviewed on an annual basis.

February 2019 BBL

May 2020 BBL

October 2021 BBL

EQUALITIES

We recognise that our students bring with them a wide variety of behaviours influenced by life experiences outside college. We aim to respond to each case professionally, objectively and compassionately. We are sensitive when working with children and families with specific needs and experiences and we continuously seek ways to promote successful partnerships. The basis of differentiation will vary dependant on the needs of each case but we will take into account the views of parents and families, colleagues and external agencies together with any Statement of Special Educational Need or Education, Health and Care Plan. We will also ensure compliance with the Trust's Equality Policy taking into account students with protected characteristics and making reasonable adjustments for students with a disability within the meaning of the Equality Act 2010. Both the college and Trust respects the Public Sector Equality Duty (PSED) that requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. By following the Trust's Equality Policy, the college seeks to eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by such legislation.

DATA PROTECTION

Rye College [The Academy] processes personal data in accordance with the data protection principles embodied in the General Data Protection Regulations (GDPR) and the Data Protection Act 2018. The Academy complies with the requirements of the data protection legislation as detailed in the Trust Data Protection Policy.

All colleagues are aware of the principles of data protection and will not process personal data unless necessary. The Academy safeguards the personal data it collects through the operation of the Trust's data protection policy and processes and the IT policy. In addition, the Academy has taken steps to ensure that all its contracts that process data have the GDPR compliant provisions.

Appendix 1: Attendance Procedures

Percentage absence – what it really means...

190 days in school per year = 52% of the year in school.

Percentage	Days off	Weeks off	Hours missed
100%	0	0	0
95%	9	2	45
90%	19	4	95
85%	29	6	145

Procedures

- Use of letters via email to alert parents to their child’s attendance dropping below 97% and a second should attendance drop to 95%;
- Attendance panels introduced where a student’s attendance levels are continuing to drop;
- Home visits – unannounced;
- Use of penalty notices - £60 per child per parent (case by case basis);
- Referral to East Sussex Behaviour and Attendance Service.

Monitoring

Attendance Officer Weekly	Actions
Under 97%: Attendance Officer picks up. Continues to drop:	Information attendance letter sent to let parents know that we are concerned. Parents sent second letter informing them that should the attendance continue to drop they will be invited into school.
Continues to drop: Letter home requesting meeting.	Invitation to supportive attendance meeting. Failure to attend with no contact – warning letter sent. Unable to attend – rearranged. Student Voice collected. Support put into place. The attendance support plan will remain in place for at least two terms after which it will either be taken off or the parents will have been issued with a fine by East Sussex Behaviour and Attendance. Please Note – 10 further unauthorised absences (5 days) may result in a fine.
Attendance Officer and Deputy Headteacher make decisions around Fixed Penalty Notices for approval by the Head of School.	Accrued 10 further unauthorised absences. Fixed Penalty Notice issued.
Continues to drop: Outside agency involvement.	Referral to East Sussex Behaviour and Attendance

Classroom attendance procedures

All registers will be taken in the first ten minutes of the lesson on SIMS.

If you are unable to access SIMS, a paper register on the printed off register sheet for that lesson must be completed and sent to reception. If the issue is SIMS access or availability, please inform IT services.

Supply teachers will be provided with paper registers that must be completed and returned to reception as above.

Registers will be checked 20 minutes into the lesson and if the register is not completed you will receive a reminder to do so.

At the end of the school day the Deputy Headteacher will receive a report of any teachers who have not completed their registers.

The Deputy Headteacher will speak to the member of staff to establish the reason for this and take any and all appropriate actions.

Any colleagues who persistently fail to complete their register may be subject to disciplinary procedures.

Appendix 2: Fixed Penalty Notices - Code of Conduct

Authorisation

1. The decision to request a Penalty Notice sits solely with the Head of School.
2. The primary responsibility for the issuing of Penalty Notices rests with the local authority. The Education Support, Behaviour and Attendance Service (ESBAS) will issue Penalty Notices in East Sussex. This ensures consistency and will prevent conflict with other enforcement sanctions.
3. Although professionals other than those within the local authority (e.g. headteachers, the police etc.) are accredited persons within the legislation as being able to issue Penalty Notices, there is no requirement for them to do so. In East Sussex it has been agreed that the Police will not issue Penalty Notices. If the Head of School considers it is appropriate for a Penalty Notice to be issued, he will consult with, and then, instruct ESBAS. This will avoid a Penalty Notice being issued when the ESBAS is instigating legal intervention proceedings for irregular school attendance.
4. ESBAS will ensure that the issuing of Penalty Notices is closely monitored to avoid the issuance of duplicate notices.
5. Penalty Notices will only be issued by post and not as “on the spot” action; this will satisfy that all evidential requirements are in place.
6. ESBAS will act upon requests to issue Penalty Notices from schools, academies, alternative education providers, and Sussex Police, provided that:
 - a) All relevant information is supplied in the specified manner;
 - b) The circumstances of the student’s absence meet the requirements of this Code of Conduct;
 - c) The issuing of a Penalty Notice does not conflict with other intervention strategies in place or other enforcement sanctions already in process.

If there are any issues with the documentation provided by the school, ESBAS will contact the school to discuss.

When a penalty notice may be issued

The issuing of Penalty Notices by the local authority is considered appropriate in the following circumstances:

1. Specific period of unauthorised absence (for example a holiday): absence from school without permission and the absences are unauthorised. If the Head of School does not authorise a request from a parent/carer for an absence he will respond to the request directly. This response will constitute a valid Warning to the parent. In all cases, a minimum of 10 sessions in total (5 school days) of absence must have been accrued before a Penalty Notice is requested. The absences will be consecutive but weekends, Bank Holidays, inset days etc. *do not* interrupt a period of absence and therefore it will remain consecutive.
2. Persistent unauthorised absence: where a minimum of 10 unauthorised absences have accrued during a 10-school week period, following a warning letter, a Penalty Notice can be issued. The 10 sessions need *not* be consecutive.
3. Unauthorised Lateness – i.e. arrival at school after the register has closed: where a minimum of 10 unauthorised late absences have accrued within a 10-school week period, following a warning letter, a Penalty Notice may be issued. During the 10 school weeks review period any other unauthorised absence will also be included in the 10 sessions. The 10 sessions need not be consecutive.
4. A combination of 10 unauthorised absences, whether caused by persistent absence (O code) or unauthorised lateness (U code) as outlined in 2 and 3 above.
5. An Excluded Student found in a public place during the school day: in all cases the ESBAS will check whether the student was excluded at the time. If the criteria are satisfied then a Penalty Notice will be issued (a school is *not* deemed by the Education & Inspections Act 2006 to be a public place for the purposes of this legislation).
6. During a Truancy Sweep by the ESBAS in conjunction with Sussex Police: if a child is found out of school or at home, and the absence is unauthorised, a Warning Notice will be issued. Following the Warning Notice, if a further 10 sessions of authorised absence is accrued within a 10-school week period a Penalty Notice may be issued.

COVID19 Attendance expectations

Taken from [Guidance for full opening: schools - GOV.UK](#) updated 3rd December 2020.

It is vital for all children to attend school to minimise, as far as possible, the longer-term impact of the pandemic on children's education, wellbeing and wider development.

Missing out on more time in the classroom risks pupils falling further behind. Those with higher overall absence tend to achieve less well in both primary and secondary school. School attendance has therefore been mandatory from the beginning of the autumn term. This means from that point, the usual rules on school attendance apply, including:

- Parents' duty to secure their child's attendance regularly at school (where the child is a registered pupil at school and they are of compulsory school age).
- Schools' responsibilities to record attendance and follow up absence.
- The availability to issue sanctions, including fixed penalty notices in line with local authorities' codes of conduct.

Procedure for withdrawing a penalty notice

A Penalty Notice can only be withdrawn in the following circumstances:

1. It ought not to have been issued; or it ought not to have been issued to the person named as the recipient;
2. The school receives further information not originally provided which means that they feel it is appropriate for the Penalty Notice to be withdrawn;
3. It appears to the authority that the notice contains material errors.

If a school wishes a Penalty Notice to be withdrawn, an email should be sent outlining the reason why. The local authority will confirm when a Penalty Notice has been withdrawn and it is the responsibility of the school to inform the parent of the withdrawal.

Payment of penalty notices

The arrangements for the paying of Penalty Notices will be detailed on the Penalty Notice.

Non-payment of penalty notices

The penalty is £60 if paid within 21 days of receipt of the Penalty Notice or £120 if paid after 21 days but within 28 days of receipt of the Notice.

If the Penalty Notice is not paid in full by the end of the 28-day period, unless withdrawn, the local authority will consider what action to take next. It can decide to take no action or deal with the matter through an Education Supervision Order. It can also decide to launch a criminal prosecution for failing to ensure the regular attendance of a child at school under the Education Act 1996 Section 444(1) ("The Education Act") if the case meets the evidential and public interest tests for a prosecution. In all cases where a local authority decides to prosecute, an Education Supervision Order will have been considered first and not considered suitable. Where a prosecution is an appropriate course of action, a caution may be offered by the local authority as an alternative method of disposal.

There is no statutory right of appeal against the issue of a Penalty Notice.

Miscellaneous

As with prosecutions under Section 444 Education Act 1996 a Penalty Notice may be issued to *each* parent liable for the offence. As explained below the term "Parent" is widely defined in the Education Act and can include step-parents, siblings and anybody who has "care" of the child at the relevant time.

The local authority will not issue more than two Penalty Notices in any 12-month period in respect of each child of the family.

Penalty Notices should not be issued relating to a child in public care. Where there are concerns over attendance of a looked after child (LAC) a review should be held.

In all cases of poor attendance, the school must review whether a pupil has special educational needs, whether these have been properly assessed and that the provision made is appropriate.

It is possible for a parent to receive more than one Penalty Notice per academic year. Prosecutions will also be considered based on unauthorised absences outside the holiday period.

Failure by a parent to pay the Penalty Notice may result in a prosecution. If a parent is found guilty by the Court of the offence, possible outcomes could be; an absolute or conditional discharge, up to a maximum fine of £2,500 if the prosecution is for s4441 of the Education Act 1996. For the more serious offence under s4441A of the Education Act, a custodial sentence can be imposed. Ancillary orders such as Parenting Orders are also possible. An absolute or conditional discharge is not a criminal conviction but is a finding of guilt by a court of law. A fine is a conviction, but only a conviction or guilty plea under s4441A of the Education Act is a recordable offence i.e. it appears on DBS checks and Police databases.

Revenue generated from the Penalty Notices will be used to cover the costs of issuing and enforcing notices, and the cost of prosecuting recipients who do not pay. Any surplus will be surrendered to the Secretary of State.

Legislation

1. Section 23 Anti-Social Behaviour Act 2003 empowered authorised officers of a Local Authority, Head Teachers (and Deputy and Assistant Head Teachers authorised by the Head) and Police Officers (including Community Support Officers) to issue Penalty Notices in cases of unauthorised absence from school, or alternative provision.
2. The Education (Penalty Notices) (England) Regulations 2004 came into force on 27th February 2004.
3. The Education (Penalty Notices) (England) Regulations 2004 require the Local Authority, in consultation with the above, to develop a code of conduct for the issuing of Penalty Notices. Any person issuing a Penalty Notice must do so within the terms of this code of conduct ("the Code of Conduct").
4. The Education (Penalty Notices) (England) (Amendment) Regulations 2005 extends the issuing of Penalty Notices to alternative provision.
5. The Education (Penalty Notices) (England) (Amendment) Regulations 2012 confirms the increase in the amount of penalty where the offences are alleged to have been wholly or partly committed after 1st September 2012.
6. The Education (Penalty Notices) (England) (Amendment) Regulations 2013 confirm that the penalty of £60 must be paid within 21 days or after that period increase to £120 to be paid within 28 days.
7. The Education (Pupil Registration) (England) (Amendment) Regulations 2013 remove all reference to *family holiday* and extended leave as well as the statutory threshold of ten school days. Amendments make it clear that Head Teachers may not grant any leave of absence during term time unless there are exceptional circumstances. Head Teachers should determine the number of school days a child can be away from school *if* the leave is granted.

8. The education provisions of the Anti-Social Behaviour Act 2003 apply to all parents who fall within the definition of a “parent” as set out in Section 576 of the Education Act 1996. This Act defines “parent” as; 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 is not defined in the statute or case law, but it is assumed that anybody who effectively assumes responsibility for the child during the prosecution period is the “Parent” for the purposes of the Education Act, whether they have Parental responsibility or not.
9. Section 105 Education & Inspections Act 2006; gives authorisation to issue a Penalty Notice when a child has been excluded.
10. This Code of Conduct complies with the requirements set out in Sections 14-16 of The Education (Penalty Notices) (England) Regulations 2007.
11. The issuing of Penalty Notices must have regard to and conform to all requirements of the Human Rights Act, Equality Act 2010 and the General Data Protection Regulation.

Appendix 3: Application for a Planned Absence




General Information

There are just 190 school days in which your child can receive an education.

There are 175 other days in which you can take holidays, family visits and reward days out.

100% is recognised as an expected level of school attendance. If your child is out of school for 3 days each term, then their attendance is below 95%. Five days of school equates to 25 hours of learning, ten days is 50 hours of learning.

The Academy does not authorise any absence in term time in all but the most exceptional circumstances because of the impact on your child's education. If you wish to take your child out of the Academy for any reason please fill in the form below giving the exceptional circumstance that has occurred.

WHAT IS GOOD ATTENDANCE?					
90 days	80 days	78 days	63 days	61 days	43 days
100%	95%	94%	86%	85%	75%
Good 		Worrying 		Serious Concern 	
Only 1-2 day missed per term		Between 3-8 days missed per term		More than 9 days missed per term	

Your child has the right to a full-time education and the opportunities that this can bring. We hope that you will work in partnership with us to make sure that your child attends school every day, allowing them access to the education they deserve.



Application for a Planned Absence

To be completed by parent or carer and returned to the Attendance Officer

Notice:

- I understand that if the request is unauthorised the Education Support, Behaviour and Attendance Service will be notified of the absence taken and a Fixed Penalty Notice may be issued;
- I understand that a Fixed Penalty Notice is issued to each parent for each child taken out of school. This is a fine of £60 which increases to £120 if not paid within the time limit;
- I understand that if I do not pay this will result in legal action.

Student's Details

Student's Name: Tutor Group

Date of withdrawal:

Date of return:

Total number of learning days missed:

Reason withdrawal from learning is requested:

To be completed by the Attendance Officer

Thank you for informing the college of your planned absence from College.

- Your request has been AUTHORISED:
- Your request has been UNAUTHORISED:

Headteacher's signature: Date:





Appendix 4: Managing sickness and absence – a guide for parents, carers and young people

Illness

As we all know children are sometimes too ill to attend school. This guide has been designed to help you decide whether or not your child needs to be absent from school.

Ask yourself these questions:

- Is your child well enough to go out to socialise?
- Is your child well enough to carry out their daily school activities?

If you have answered 'no' then it is advised you seek advice by dialling 111 or consult your GP if necessary.

- Does your child have a condition that can be passed on to other children?
- Would you take a day off work if you had the same condition?

If you have answered 'yes' it is advised you seek advice by dialling 111 or consult your GP if necessary.

A number of illnesses can be classified as a minor health condition and whether you send your child to school will depend on how ill you deem your child to be.

There is a range of common conditions that occur in school-age children and they all have carrying incubation periods based on the guide lines of the Health Protection Agency (HPA). There may be children and staff who are at greater risk to infectious disease who need to be protected where possible.

Any health-related enquiries should be directed to health professionals on the national helpline 111 or your family GP/health visitor. The following table from the Health Protection Agency provides guidance for parents and carers on the recommended time off school:

Illness	Recommended time off school	Comments
Hand, foot and mouth	None	Please contact your local health board if a large number of children are affected. Children may be required to refrain from school in some circumstances.
Conjunctivitis	None	If an outbreak occurs contact your local health board.
Glandular fever	None	
Head lice	None	Treatment is required after school and overnight, tie hair up to prevent.
Threadworm	None	Treatment is recommended for the child and all household contacts.
Tonsillitis	None	There are many causes but most are due to viruses and do not need an antibiotic.



Slapped cheek	None	Keep away from vulnerable children and pregnant females.
Chickenpox	Until all vesicles have crusted over	Keep away from vulnerable children and pregnant females.
impetigo	Until lesions are crusted and healed or 48 hours after commencing antibiotic treatment.	Antibiotics reduce the infectious period.
German measles (Rubella)	4 days from onset of rash	Preventable by immunisation (MMRx2).
Measles	4 days from onset of rash	Preventable by immunisation (MMRx2).
Ringworm (Scabies)	Child to return after first treatment	People with close contact require treatment.
Scarlet fever	Child can return 24 hours after commencing antibiotic treatment	Seek advice from GP as antibiotic treatment recommended.
Shingles	Keep home only if rash is weeping and cannot be covered	Can cause chickenpox in people who are not immune. Keep away from vulnerable children and pregnant females.
Diarrhoea or vomiting	Keep home for 24 hours from the last episode of vomiting/ diarrhoea	Many causes, if persistent see GP as further time off school may be required.
Norovirus (winter vomiting bug)	Keep home for 48 hours from the last episode of vomiting/ diarrhoea	Many causes, if persistent see GP as further time off school may be required.
Flu	Until recovered	Avoid contact with vulnerable children and babies.
Whooping cough	5 days from commencing antibiotic treatment or 21 days from onset of illness if no antibiotic treatment	Preventable by vaccination. After treatment, non-infectious coughing may continue for many weeks.
Mumps	5 days after onset of swelling	Preventable by immunisation (MMRx2).
Coronavirus	Begin 7 day self-isolation and book a test.	Refer to NHS for latest information.

Remember

The spread of infection can be greatly reduced by ensuring routine immunisations, high standards of personal hygiene, particularly hand washing and maintaining a clean environment.

We monitor attendance and engage with parents as soon as a pattern of absence is identified. Always try to inform us before school every day your child is absent due to illness.

By law, only the school can authorise your child's absence. It is important to keep us informed if your child is going to be absent. If your child is frequently missing school due to illness, medical confirmation may be requested from your GP and/or a referral may be made to the Behaviour and Attendance Service (ESBAS).



Where possible please try to keep medical appointments to after school.

If your child attends school and feels unwell they will be assessed by a trained first-aider, who will make the decision as to whether the child should be collected or remain in school. The final decision lies with the school.

For further help or advice feel free to contact NHS 111.

Percentage absence – what it really means...

Percentage	Days off	Weeks off	Hours missed
100%	0	0	0
95%	9	2	45
90%	19	4	95
85%	29	6	145