



The
MAST
 Academy Trust

Policy	Attendance Policy	
Owner	Executive Lead: Governance, People & Communications	
Date approved	27 th February 2024	
Approver	Education & People Committee	

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Objective of Policy
To provide guidance on attendance and the expectations within the Mast Academy Trust.

Version Control	
Version Number	Summary of amends from previous version
1.0	Development of policy

Sign off requirements	
Approvers	Position
Education & People Committee	Trust Board
Reviewers	Position
Melanie Humphreys	Executive Lead: Governance, People & Communications
	Trustee

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Attendance policy - 2023-24

Statement of intent

At The Mast Academy Trust, we aim for a school environment which enables and encourages all members of the community to aspire for excellence. For our children to gain the greatest benefit from their education it is vital that they attend regularly and your child should be at school, on time, every day the school is open unless the reason for the absence is unavoidable.

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.

We are committed to providing an education of the highest quality for all our pupils and endeavour to provide an environment where all pupils feel valued and welcome. Parents and students play a part in making our school so successful. Every child has a right to access the education to which they are entitled.

It is our duty to strive consistently to achieve a goal of 100% attendance for all pupils and every opportunity will be used to convey to students and their parents or carers the importance of regular and punctual attendance.

The routines children develop around attendance and punctuality at school are the same as the expectations of any future employer in the world of work. High attainment, confidence with peers and staff, and future aspirations depend on good attendance. Parents and school staff share the responsibility for supporting and promoting excellent school attendance and punctuality for all.

Why regular attendance is important?

Learning and achievement

- As a parent/carer you want the best for your child. Having a good education is an important factor in opening up more opportunities in adult life.
- A child who is absent one day of school per week misses an equivalent of two years of their school life.
- 90% of young people with absence rates below 85% fail to achieve five or more good grades at GCSE and around one third achieve no GCSEs at all.
- Absence at any stage of your child's education leads to gaps in their learning. This in turn can
 - mean that they fall behind in work
 - affect their motivation
 - affect their enjoyment of learning
 - lead to poor behaviour
 - affect their desire to attend school regularly
 - affect their confidence in school
 - mean they miss out on the social life of school and extra-curricular opportunities and experiences
 - affect their ability to have or keep friendships.
- There is a clearly documented link between high attendance and high achievement.
- Of students who miss more than 50% of school, only 3% manage to achieve 5 good passes including English and Maths.
- Of students who miss between 10% and 20% of school, only 35% manage to achieve 5 good passes including English and Maths.
- Of students who miss less than 5% of school, 73% achieve 5 good passes including English and Maths.
- regular attenders make better progress, both socially and academically
- regular attenders find school routines, schoolwork and friendships easier to cope with
- regular attenders find learning more satisfying.

Safeguarding and First day calling

- In line with Keeping Children Safe in Education 2023, failing to attend school regularly may be considered a safeguarding matter.
- In the first instance, when a pupil is absent the relevant staff will attempt to contact parents/carers by telephone or text message. If staff are unable to determine the student's whereabouts, then it may be necessary for attendance staff to do an unannounced home visit. This decision will be made following discussion with the DSL.
- If staff are still unable to determine the student's whereabouts and believe there is a risk to the child's safety or wellbeing, then the police will be contacted.
- It is vital that parents/carers keep school up to date with contact details – phone numbers, address, email address and additional people to contact – to ensure staff can speak to parents/carers in this situation. Each school will keep at least two contacts on record for each student and attempt to contact both should a child be absent; it is the parents duty to ensure that two contacts are provided on enrolment to school.
- If a student has been absent for a significant period of time and the school has been unable to contact parents/carers then the child will be considered a Child Missing in Education. The relevant local authority will be contacted and will undertake their own investigation to determine whether the child is on holiday, away from home or has left the area.
- If a student has been absent for 20 school days or more and the school is unable to determine their whereabouts or believes they are away from home, then they will be removed from roll and lose their place at the school. This decision will be made in conjunction with the Local Authority Education Safeguarding team.
- If parents/carers inform the school they are taking their child abroad during term time (see term time holidays and leave of absence section for more details) the school may ask for proof of travel for safeguarding purposes.

Roles and Responsibilities

Attendance Lead

A member of the senior leadership team will oversee, direct and co-ordinate the school's work in promoting regular and improved attendance and will ensure the attendance policy is consistently applied throughout the school. The nominated attendance officer within the Business Support team will oversee first day calling procedures and notify the Attendance Lead/DSL of any concerns.

Classroom and pastoral staff

- Ensure that all students are registered accurately.
- Promote and reward good attendance with students at all appropriate opportunities.
- Liaise with the attendance leader on matters of attendance and punctuality.
- Communicate any concerns or underlying problems that may account for a child's absence.
- Support pupils with absence to engage with their learning once they are back in school.

Responsibilities of pupils

- Attend every day unless they are too ill or have an authorised absence.
- Arrive in school on time.
- Go to all their lessons and tutor times on time.
- Take responsibility for registering at the school office if they are late or are leaving the school site during school hours.

- Under no circumstances will students leave school site without permission.

Responsibilities of parents/carers

Ensuring your child's regular attendance at school is a parent/carer's legal responsibility (Section 444 of the 1996 Education Act) and permitting absence from school that is not authorised by the school creates an offence in law.

Parents will:

- inform the school on the first day and each subsequent day of absence that their son/daughter will not be attending by 8.30am.
- discuss with the attendance lead/Business support officer of any planned absences **at least 4 weeks in advance**, Completing any paperwork required.
- support the school with their child in aiming for 100% attendance each year.
- make sure that any absence is clearly accounted for by telephone or email on the first and every subsequent day of absence.
- avoid taking their child out of school for non-urgent medical or dental appointments *
- only request leave of absence if it is for an 'exceptional' circumstance.

*If a pupil will be absent due to medical appointment, parents/carers should inform school as early as possible. Although schools understand that appointments are important, it is requested that these are sought outside of school time wherever possible as they are still classed as an absence. When this is not possible, pupils should attend school before and after appointments as it is not normal procedure to authorise a full day of absence for such appointments. Headteachers reserve the right to receive a letter, appointment card or other written confirmation, such as a medical appointment card, prior to authorising absence.

Understanding types of absence

Every half-day absence from school has to be classified by the school (not by the parents), as either AUTHORISED or UNAUTHORISED. This is why information about the cause of any absence is always required.

Unauthorised absence are those which the school does not consider reasonable and for which no 'leave' has been given. This includes:

- Parents/carers keeping children off school unnecessarily.
- Truancy before or during the school day
- Absences which have never been properly explained
- Children who arrive at school too late to get a mark.
- Shopping, looking after other children or birthdays.
- Day trips and holidays in term time which have not been agreed.
- Waiting in for deliveries or tradesmen.
- Parents/carers own appointments.
- Parents/carers stating a pupil is anxious without medical diagnosis or without coming into school to discuss the basis of this statement.

Whilst any child may be off school because they are ill, sometimes they can be reluctant to attend school. Any problems with regular attendance are best sorted out between the school, the parents and the child.

If your child is reluctant to attend, it is never better to cover up their absence or to give in to pressure to excuse them from attending. This gives the impression that attendance does not matter and usually makes things worse.

A school can, if needed, change an authorised absence to an unauthorised absence and vice versa if new information is presented. Any changes will be communicated to parents/carers. An

example of this would be where a parent states a child is unwell but on return to school there is evidence they have been on holiday.

In cases of minor illness or ailment (cold, headache, period pains etc.), schools expect the student to attend. If parents feel unsure about a pupil's ability to attend, they should be sent with a note in their planner to show to relevant staff within the school. Staff with responsibility for assessing whether a pupil is well enough to be in school will see if they become unwell during the day, and if they are unfit to stay in school, a member of staff will contact parents/carers to collect them. Pupils will not be allowed to go home unless school have made contact with a parent/carer or other person listed as a contact on the pupil's record.

Pupils should not, under any circumstance, contact parents/carers or others to say they wish to go home (mobile phones are handed in on entry to school). If this is the case parents are advised to contact the school to check that medical advice has been sought. If a parent/carer arrives at school without school being aware, the pupil will not be sent with them until an assessment has been made in school.

Lateness

Poor punctuality is not acceptable. If your child misses the start of the day, they can miss work and vital information and news for the day. Late arrival students also disrupt lessons, it can be embarrassing for the child and can also encourage absence.

How we manage lateness

Pupils can come onto school site from 8am onwards. Breakfast club is open from 8am and pupils will be registered when entering this provision. School doors open at 08.50am and we expect your child to be in their classroom for 8.55am. Arrival after 8.55am will result in a late mark being given by the staff on duty each morning (lateness due to school bus service will not be included).

If your child has a persistent late record, you will be asked to meet with the Head of Year to resolve any problems but you can approach us at any time if you are having problems getting your child to school on time.

It is important to be on time at the start of the day and to all lessons. The start of school/lessons is used to give out instructions or organise work. All lateness is recorded daily. This information will be required by the courts, should a prosecution for non-attendance or lateness be necessary.

We always encourage punctuality at school. Not only is it a good habit to learn from an early age, it will help them when they come to have a job later in life, but being on time is also important for a child because -

- it helps them settle into the school day well, with everybody else
- it helps them make and keep friends
- it improves self-confidence
- learning sessions take place during morning registration.

In fact, by regularly arriving late, pupils can miss a great deal of lesson time:-

- Arriving 5 minutes late every day adds up to 3 days lost each year
- Arriving 15 minutes late every day is the same as being absent for nearly 2 weeks a year
- Arriving 30 minutes late every day is the same as being absent for 18 days a year

Leave of Absence in Term Time

You should **NOT** expect your child to be allowed leave of absence in term time. Parents do **NOT** have a legal right to take children out of school. School terms are designed to offer opportunities for holidays to be taken throughout the academic year without disrupting the education of students.

Leave of absence is something The Mast Academy Trust strongly disapproves of during term-time as it can have serious detrimental impact on educational outcomes. Absence from school clearly

correlates with lower attainment and progress, with every day missed possibly affecting chances of strong educational outcomes.

It is not true that pupils can 'catch up'. Research shows that by missing lessons, pupils do fall behind, and lessons are NOT repeated at a later date; The Department for Education regulations state that headteachers may not grant any leave of absence during term time unless there are exceptional circumstances. Parents who take their children out of school during the school term without the headteacher's authorisation or beyond an agreed date risk being issued a penalty notice or taken to court and this will be managed under Kirklees Local Authority Guidelines.

There must be an absence of five consecutive days (10 sessions with 1 session being equivalent a morning or afternoon session in school) for a penalty notice to be issued. The penalty notice is £60, for each parent of each child, if paid within 21 days, and £120 if paid after this date but within 28 days. Failure to pay the penalty notice could result in the local authority commencing legal proceedings against you for the offence of not ensuring your child's regular school attendance. If found guilty, you may be fined up to £1,000 and you will receive a criminal record.

Where parents/carers continue to take unauthorised leave of absences in term time, despite having previously been issued with a penalty notice, the local authority will consider a prosecution under S 444 of the Education Act 1996. Repeated offences of leave of absence may result in the matter being directly prosecuted in Kirklees Magistrates' court.

In 'exceptional' circumstances, headteachers can allow a small amount of time out of school.

Special or exceptional circumstances do **NOT** include (this is not an exhaustive list):

- Availability of cheaper flights
- Availability of desired/cheaper accommodation
- Poor weather in school holidays
- Overlap with the beginning or the end of term
- Trips abroad
- Seeing relatives
- Weddings

As a guide, any unauthorised absence in excess of five consecutive days, parents/carers are likely to receive a penalty notice. The school will notify parents/carers in advance if taking this course of action and then parents/carers will hear in due course from the relevant local authority once they have processed the penalty notice.

If you still feel that you wish to apply to take your child out of school during term time due to exceptional circumstances, please request a 'leave of absence request form' from the school reception. The form should be received by the headteacher **FOUR** school weeks in advance of the proposed date.

Absence for sporting activities are assessed as above on a case by case basis and may be authorised as an 'approved sporting activity'. A decision of whether or not to approve these requests will be made based on the pupil's attendance and behaviour, and as a result, may mean that the same sporting absence may be authorised for one child and not another.

Suspended or Excluded pupils

If a pupil has been suspended or excluded, that pupil may not be in a public place during the period of suspension/exclusion without just cause (such as attending a medical appointment). If that pupil is seen in a public place, a penalty notice is issued to each parent of each child. This is for £60 if it is paid within the first 21 days, increasing to £120 if paid after 21 days but within 28 days.

Failure to pay the penalty notice could result in the local authority commencing legal proceedings against you for the offence of not ensuring your child's regular school attendance. If found guilty, you may be fined up to £1,000 and you will receive a criminal record.

Persistent Absenteeism (PA)

A pupil becomes a 'persistent absentee' when they miss 10% or more schooling across the school year for whatever reason. Absence at this level is causing considerable damage to any child's educational prospects and we need parents/carers fullest support and co-operation to tackle this. We monitor all absence thoroughly. Any case that is seen to have reached the PA mark or is at risk of moving towards that mark is given priority and you will be informed of this immediately. PA students are tracked and monitored carefully through our pastoral and safeguarding system. All PA cases automatically involve the Attendance Lead in school.

Religious Observance

The Mast Academy Trust believes in respecting, promoting and celebrating the cultural and religious diversity of its pupils, parents and the community. Whilst schools recognise the importance faith and religious observance play in the lives of many pupils and want to respect the wishes of parents to celebrate religious festivals with their children, it is important to strike the right balance between authorising such absence and the effect on pupil's progress. The Pupil Registration Regulations 2006 Section 2 states that absence for religious observance should be "treated as authorised [absence] ... on a day exclusively set apart for religious observance by the religious body which the parent belongs". Thus, if the parent's religious body marks the day as a religious festival, the school must authorise the absence. Leave for pupils for religious observance should only be agreed if the dates fall outside of normal holiday periods.

Many of the main Christian festivals, for example Christmas and Easter, take place during the school holidays. The two main festivals celebrated by Muslim faith are Eid-ul-fitr (marking the end of Ramadan) and Eid-ul-Adha (marking the end of Hajj). These celebrations occur according to the lunar calendar in different countries and it is difficult to predict when pupils may need to be absent from school until very close to the day itself. For example, Eid-ul-fitr and Eid-ul-Adha come 10 days earlier every year and can change according to when the moon is. However, there may be occasions when a festival falls twice in a calendar year. The main festivals celebrated by the Jewish faith include Rosh Hashanah and Yom Kippur. The commonly celebrated festivals by the Sikh faith include Baisakhi, Diwali and Birthday of Guru Nanak Dev. Hindu festivals include Diwali and the New Year Day (day after Diwali) and the main Buddhist festivals include Vesak (Buddha Day) and Dhammacakka Day. **In most cases up to three days throughout a school year for religious observance should be sufficient.**

Schools should use their discretion where a parent does not belong to a religious body, as they may want to celebrate an alternative festival that they feel is important to them, such as Pagan or Wicca festivals. When parents request leave for their children for religious observance, pupils should be granted a day's authorised absence for a particular religious festival. **Where a religious festival falls during a school holiday or at the weekend, no authorised absence should be granted.**

Requests for preparation for religious festivals should be regarded as unauthorised absence.

Cohorts	Responsible Staff	Actions, Interventions and Outcomes may include:
96% - 100%	Tutors	<ul style="list-style-type: none">➤ Form tutors to follow up absences with students on their return to school. Discuss reason for absence/ early identification of issues.➤ Have a weekly discussion with whole form about overall attendance.➤ Individual student discussions re: attendance when necessary.➤ Discuss half term overview with form group.➤ Positive calls home to parents re: good/ improved/ rewarded attendance

90% -95%	Head of Year/Head of House	<ul style="list-style-type: none"> ➤ Discussion with pupil to identify any issues and curb any emerging patterns of absence. ➤ Address and resolve any issues in school raised by the pupil. ➤ Contact parents when necessary and/ or appropriate. ➤ Letter home (letter 1)
85%-90% PA	SLT APSO	<ul style="list-style-type: none"> ➤ Meet weekly with identified pupil. ➤ Make weekly contact with parents to discuss attendance. ➤ Implement a meaningful reward system for consistently good and improved attendance. ➤ Regular drop-ins to forms. ➤ Letters home (Letter 2)
Below 85% PA	APSO in conjunction with Local Authority processes	<ul style="list-style-type: none"> ➤ Formal letters sent to parents (Letter 3) ➤ One-to-one meetings with pupils and group work where appropriate ➤ Implement a school-led Attendance Improvement Contract to be signed by parents and pupil. ➤ Home visits, informal family and parenting support ➤ Ensuring all necessary referrals for further support are undertaken. Liaise with SAEWO on cases referred to external agencies ➤ Legal proceedings initiated if no progress made with Local Authority support

This policy is written in line with;

- DFE guidance, Keeping Children Safe in Education September 2023
- Kirklees Education Safeguarding guidance August 2023
- Education Act 1996

Appendix A – Pre Standard Attendance Email / letter (Letter 1)

Dear [Parent/Guardian Name],

At The Mast Academy Trust Academy, we strive to improve the attendance of our students. Each minute of the school day provides opportunities for learning.

Our school target is for students to attend at least 96% of the school year- 96% attendance means a child will have missed 8 days of school across a full academic year.

Following our half term analysis, [Pupils First Name] has an attendance of [ATTENDANCE %]. Year (xxx)'s average is (Add Year group average attendance)

[Pupil First name] attendance may seem low after just a few days of absence this is due to it being early in the academic year.

Aiming for 100% attendance from now will see a quick improvement in [HIS/HER] attendance percentage.

Missing school does have an impact on your child's learning, and as a school, we are able to provide support wherever it is needed. We are keen to work with parents/carers to help with attendance difficulties and if there are issues preventing your child's full attendance please do not hesitate to contact [HIS/HER] Head of Year (Add HOY).

We will continue to monitor your child's attendance. If you would like to discuss the matter further, please do contact me at (ADD RELEVANT EMAIL ADDRESS)

Yours Sincerely,

Appendix B: Standard Attendance Letter 2

[DATE]

Dear

XXXX

Persistent Absence Notification

At The Mast Academy Trust Academy, we strive to improve the attendance of our students. Each minute of the school day provides opportunities for learning. Missing school inevitably impacts on the progress each child can make.

Our school target is for Pupils to attend at least 96% of the school year- 96% attendance means a child will have missed 8 days of school by the end of each year.

We are writing to you and inform you of [PUPIL NAME]'s attendance. [Pupil first name] has an attendance of [ATTENDANCE %]. The average for the year group attendance is (Add year group attendance)

Any attendance below 90% is considered to persistently absent. This is a government definition. Your child now falls into this category of concern.

Missing school does have an impact on your child's learning. As a school, we are able to provide support wherever it is needed. We are keen to work with parents/carers to help with attendance difficulties and if there are issues preventing your child's full attendance please do not hesitate to contact [HIS/HER] Head of Year or myself. If the persistent absence continues, we will implement a pupil centred attendance agreement to consider the appropriate steps to be taken in order to return to regular school attendance.

We will review the attendance data for your child over the next half term and hope to see a sustained improvement in attendance so that attendance at least exceeds 90%. If you would like to discuss the matter further, please do contact me.

Yours sincerely,

Appendix C – Standard Letter 3

NAME/ADDRESS

DATE

Dear NAME

We last wrote to you on **DATE** explaining our concerns about your child's attendance at The Mast Academy Trust Academy. You were informed of the level of your child's attendance at that date and that further monitoring would take place with the hope of seeing a sustained improvement.

We have now reviewed your child's attendance for that period and are disappointed to see that **(Pupil Name)** attendance remains below 90% and they continue to be persistently absent from school.

Over the last monitoring period your child achieved (XXXX%) attendance.

The staff at The Mast Academy Trust Academy and the Attendance and Pupil Support Service are committed to raising the attendance and attainment of all students. We need your help to achieve the best for your child.

This letter is to invite you to an Attendance Improvement Meeting on **(DATE/TIME)** at **(Name of school)** with **(Pupil Name)**'s HOY and Senior Leader link.

Our aim will be to identify reasons for your child's current attendance, resolve any problems and set a target for review in a four-week period. It is of vital importance that you attend this appointment in order for us to work together to improve the current attendance levels.

A meeting has been set for **(date and time)** If this date or time is not convenient please contact the school or myself at your earliest convenience to arrange an alternative date or time.

Yours Sincerely

Appendix D - Penalty notice leave of absence

Parents/Carer Name

Address Line 1

Address Line 2

Address Line 3

Address Line 4

Address Line 5

Date

Dear **Name of Parent(s)/carer**

Penalty notice leave of absence

It has come to my attention that Childs Name **(Childs DOB)** has been absent from school for **??** days from **DATE**. This leave of absence was not authorised by the school.

The school's Attendance Policy makes it clear that parents must seek permission for leave of absence in writing from the head teacher in advance should they wish to take students out of school. If leave, or part of the leave, is taken which has not been authorised, a penalty notice may be issued.

The school will be arranging for a penalty notice to be issued against you. The penalty notice request will be processed by Kirklees Council in due course on behalf of the school.

The penalty notice will be issued to each parent of each child. Each penalty notice will be for £60. If it is paid within 21 days and will increase to £120 if paid after 21 days but within 28 days.

Failure to pay the penalty notice could result in the Local Authority starting legal proceedings against you for the offence of not ensuring your child's regular attendance at school. If you are found guilty of the offence you may be fined up to £1,000, and you will receive a criminal record. Should this matter go to court, you do not have to say anything, but it may harm your defence if you do not mention when questioned something which you later relay on in court. Anything you do say may be given in evidence.

Yours sincerely

Insert name

Appendix E - Standard Attendance Contract

ATTENDANCE AGREEMENT

Childs Name:	
Date of Birth:	
Meeting Date and Location:	
Year Group:	
Name of Parent or Carer	
School Representative:	
Name of Other Agency Representative:	

RATIONALE FOR COMPLETING THIS CONTRACT: <i>Is school attendance below expectation? What steps have school taken to address this and what support if any has been offered by school? What support has the parent engaged with? What steps has the parent taken to improve school attendance?</i>	
Attendance % during previous 6 school weeks:	
Unauthorised absence % during previous 6 weeks:	
Overall % attendance:	

BARRIERS OR RISK TO ATTENDANCE

CONSULTATION WITH PARENTS / CARERS

Thoughts, wishes feelings on what they want to achieve

CONSULTATION WITH CHILD / YOUNG PERSON

Thoughts, wishes feelings on what they want to achieve

TARGETS AGREED FOR IMPROVEMENT

ANY SUPPORT FROM OTHER AGENCIES?

AGREED ACTION

The parent/carer will:

The School will:

The other agency will:

Progress will be reviewed after 4 school weeks	Date:
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The final review will be held after a further 4 school weeks	Date:
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I understand that if I do not carry out the actions agreed in this contract, I will be referred to the Kirklees Legal Intervention Panel. The panel will then consider if it appropriate to commence legal proceedings. (Note: each parent/carer is liable for legal penalties.) Failure to adhere to the contract may result in legal action being considered. If legal action is approved by the Kirklees Legal Intervention Panel, the matter is heard in Magistrates' Court for the offence of knowingly failing to ensure your child's regular school attendance (s444(1)(a) Education Act 1996). If found guilty, this carries a penalty of up to £2,500 or up to 3 months imprisonment and you will receive a criminal record.

Signed (Parent/carer) **Date:**

Signed (Parent/carer) **Date:**

The information in this contract has been shared with me along with any supporting evidence

Signed..... (Student) **Date**

Signed on behalf of the school:

Name **Date:**

Attendance Contract Notes and Examples:

Aim to discuss arrangements for encouraging child to attend school, but if this is not proving possible (i.e. the parent states the child's mental health will suffer), consider what other options could be offered, i.e. video calls, worksheets, online educational materials, home sessions, etc.

EXAMPLES OF ACTION BY PARENT AND / OR CHILD :

- *Student will arrive at school by 8.30 a.m. every day and report to [].*
- *If the student is not going to attend school the parent must notify [] of the reason for the absence by 9:30am at the latest.*
- *Parent will inform the school on the first day of a sickness absence and provide a medical certification in support of that absence where it exceeds ten consecutive days*
- *Are any issues preventing student from attending regularly, school staff will be informed?*
- *Parent will attend virtual meetings with [attendance officer] once per week until the attendance improves. Parent will also be required to attend the school for in person meetings once every four weeks to reassess the position where attendance is not improving.*
- *The parent will seek input from other services as appropriate, i.e. CAMHS*

ACTIONS TO SUPPORT TAKEN BY SCHOOL:

- *Consider involvement of Education Welfare Officer and arranging for them to conduct regular visits to the child at home*
- *Specific consideration should be given to any SEN/ EHCP needs – the school needs to take all reasonable steps to meet the special educational needs of the child*
- *Consider the child's grades, involvement in school activities, etc. and set reasonable achievements for child*
- *Signpost parent to appropriate services, such as CAMHS, school nursing service, etc.*
- *Discuss elective home school education – explain the school is not pushing for this but should the parent wish to adopt this approach they will need to notify the school in writing*
- *Request certified medical evidence where this has not been provided*

If all attempts fail the school will consider the need to escalate the matter to the local authority and/or consider prosecution.

Appendix F - Declining a request for a leave of absence in term-time

Your request for a leave of absence

Thank you for your request to take [name(s)] out of school between [date] and [date].

In this case I regret I cannot consent to your request.

Our school, while acknowledging that each family's circumstances are different, is dedicated to the education of all our students and believes regular attendance throughout the year is essential to every child's success and fulfilment.

I have not made this decision lightly. A request for an absence is considered on its merits at the time and many variables are taken into consideration.

Because each request is unique, my decision in this instance can't be directly compared with decisions made by the school in the past, and nor does it set a precedent for the future.

I'm sorry to have to disappoint you on this occasion.

Yours sincerely,

[Name]

Headteacher/Head of School

Appendix G - Absence no longer authorised without medical evidence.

Dear xxxx,

Absence no longer authorised without medical evidence.

We wrote to you on (date) explaining our concerns about your child's attendance. At that time of writing, the attendance figure was (attendance figure)

We have now reviewed your child's attendance and are concerned to note that little improvement has been seen. Over the last 4 week monitoring period your child achieved (xx.x%) attendance and the overall attendance stands at (%)

We have now made the decision that the school will no longer authorise absence without medical evidence. Sustained unauthorised absence could lead to legal action being considered which may be a penalty notice or may be direct prosecution by the local authority.

We would also like to invite you in to discuss your child's attendance on (date and time for meeting) We need to document the barriers to good attendance, support required by school and actions that you will take. We will endeavour to put together an agreed pupil centered attendance agreement, which will detail the agreed actions that both you and the school will take to improve [NAME'S] attendance.

A further period of monitoring will be agreed in the meeting.

Should you be unable to make this appointment, please contact me on (contact email) in order to re-arrange.

Yours Sincerely

Appendix H: Medical Evidence request letters and reply slips

Parent of

Address:

Date

Dear Parent

Re: (child's name) – School Attendance, Medical Evidence Required

I am writing to inform you that (pupil name)'s attendance is currently (%). You have stated that his/her absence is due to genuine illness, but you have not provided the school with any evidence of this.

Due to the level of illness and overall absence, I must now ask that for any future absences, you provide evidence to the school that shows that (pupil name)'s absence is being supported by a medical professional, or that you have sought medical advice. Some examples of evidence that could be used are prescriptions, appointment texts, doctor's notes, etc. Alternatively, you can consent for either myself or a member of school staff to contact your GP to confirm that you have taken (pupil name) for treatment or that you have contacted your GP for advice. I have enclosed a consent form for you to sign which you should return to the school for the attention of (Staff name)

I appreciate your support in ensuring that (pupil name) attends school regularly and we are here to help in any way we can. However, should there be no improvement it is important that you make a record of what action you have taken to ensure his/her regular attendance so that this can be taken into consideration in any future proceedings.

Thank you for your co-operation and support with this matter.

Yours sincerely

Appendix I – Letter to GP

Drs
Address

Dear Dr

Child Name DOB

We appreciate that general practitioners are very busy. However it is very important for children's health and development that they attend school regularly. Please find the enclosed parental agreement form giving consent for us to contact you.

Since the child has missed days schooling and their overall attendance is only%. This is likely to have a detrimental impact on their educational progress. The main reasons given by the parent/carer are:

We need to establish if these reasons are in your view genuine and if there are medical issues how the school can provide appropriate support.

We would be grateful if you could complete the enclosed form and return it in the stamped addressed envelope provided.

If you have any queries, please do not hesitate to contact me.

Yours sincerely

SCHOOL ATTENDANCE & MEDICAL ABSENCE

Appendix J – Information request form - GP

Childs Name:.....

Date of Birth:.....

Address:.....

.....

Post Code:

General Practitioner

1. Are there any medical issues that would justify this child's current attendance difficulties?
YES/NO

2. If YES what are the medical issues?

3. Has this child been referred to a consultant or agency to support these issues?

4. Any further comments

5. What is the expected timescale for returning to school?

SIGNED.....

DATED:.....

Please return in SAE provided.

Appendix K – Penalty Notice for unauthorised absence

Dear Parent

Fixed Penalty Notice

Either:

We wrote to you on (date) advising that absence would no longer be authorised without medical evidence.

We also met to draw up an attendance agreement. This was signed on (date)

It is with regret that I must inform you that there has been no improvement in the attendance of {name}.

Furthermore, since the signing of the attendance agreement there have been at least xxxx sessions of unauthorised absence.

We have therefore requested that the local authority issue a penalty notice for unauthorised absence.

Once issued with a penalty notice, you must pay:

- £60, if paid within 21 days of receiving the notice
- £120, if paid after 21 days but within 28 days

If you don't pay the penalty within 28 days, the local authority could pursue further legal action.

I should also inform you that further legal action will be considered if there is no improvement in your child's attendance. I have therefore re-attached the parent contract as a reminder of what has already been agreed.

or

I'm writing about your action in taking [name(s)] out of school for a leave of absence between [date] and [date].

We're treating this as an unauthorised absence because [explain the evidence you have].

Our school works with parents to provide the best education for each child and believes that regular attendance throughout the year is essential to every child's success and fulfilment.

We expect you to consult the school before booking leave of absences that mean your child will be absent, or before making any plans that will involve your child's absence from lessons or other commitments.

We have the power to request that the local authority issue a penalty notice for unauthorised term-time leave of absences. The decision is ultimately for the local authority.

If issued with a penalty notice, you must pay:

- £60, if paid within 21 days of receiving the notice
- £120, if paid after 21 days but within 28 days

If you don't pay the penalty within 28 days, the local authority could pursue legal action.

Absences like these could have a detrimental effect on [name(s)] education.

We would like to arrange a meeting so that we can discuss this further. Please contact the school office urgently on [phone number].

Yours sincerely,

[Name]

Headteacher/Head of School

Appendix L – Further Legal Action Letter

Private & Confidential – Addressee Only

Our ref:

Date:

LEGAL ACTION WARNING

Dear

Student's name:

D.O.B:

It is noted that you are the parent of, or have day to day care of _____, a child who is a registered student at this school and is not in regular attendance as required by the Education Act 1996, Section 7.

_____ has been recorded as having _____ school sessions (equivalent to _____ school days) lost due to unauthorised absences between the dates of _____ and _____.

You received a Fixed Penalty on xxxx and this has had no positive impact on {name's} attendance.

It is strongly recommended that you take immediate steps to ensure that the child named above attends school regularly. We would like to invite you into school in order to review the attendance agreement, reconsider the support in place but also set some immediate targets and expectations.

If improvement in attendance does occur and there are further unauthorised absences, a referral will be made to the Local Authority and you may be prosecuted in the Magistrates Court under Section 444 of the Education Act 1996 for failing to ensure regular attendance at school.

Please note: If you have previously been the subject of a prosecution for any child in relation to irregular school attendance and the attendance of _____ does not improve to a satisfactory level immediately, you may be required to attend a formal pre-court interview. This interview will be carried out under caution to investigate the circumstances.

When deciding upon the most appropriate action, the Local Authority has a duty to consider if the making of an Education Supervision Order would be appropriate. If an assessment of the situation indicates that this may be appropriate, and no improvement is achieved, you may be invited to a student planning meeting.

It is important for you to note that the above absences may be included if any further action is taken against you.

Should you have any queries or wish to discuss your child's attendance, please contact school.

Yours sincerely,

Appendix M: Legal Intervention Checklist

Public Interest Test

PUPIL NAME:

Criterion	Prosecute		Penalty Notice	Offer Caution
	Aggravated	Ordinary		
	High	Medium	Low	Minimal
How serious is the offence				
What is the level of culpability of the suspect? (This includes:				
a) the offender's level of involvement;				
b) the extent of premeditation/planning;				
c) previous convictions, out or court disposals;				
d) offending whilst on bail or subject to a court order;				
e) likely continuation, repetition or escalation of the offence;				
f) the offenders age, maturity, mental or physical illness;				
g) safeguarding the public.				
What are the circumstances of and the harm to the victim (vulnerability, trust, authority over the victim; a public servant, motivation (equality issues), views of the victim and the effect on the victim's health.				
What is the impact on the community?				
Is a prosecution a proportionate response? This includes issues of cost arising from complexity and the number of defendants as compared with the likely sentence.				

Recommendation of Legal Interventions Panel:

Signed by officer:

Date:

Signed by Principal Manager:

Date:

Directorate for Children and Young People

Code of Conduct for the issuing of Penalty Notices

September 2021



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Legal framework

School attendance

Section 7 of the Education Act 1996 (“EA 1996”) places a legal obligation on parents of a child of compulsory school age to ensure that the child receives efficient full-time education. This means education that is suitable to the child’s age, ability and aptitude, and to any special educational needs the child may have.

The Anti-Social Behaviour Act 2003 (“ASBA 2003”) came into effect on 27 February 2004. Under s23 of the ASBA 2003, the EA 1996 was amended with the introduction of two new subsections under s444 (subsections 444A & 444B), which has made it possible for Penalty Notices to be used as an alternative to prosecution in cases of unauthorised absence from school. The responsibility for authorising absence rests with the school’s head teacher.

The procedural guidance for the implementation of these subsections is contained within The Education (Penalty Notices) (England) Regulations 2007.

Excluded pupils

Section 103 of the Education & Inspections Act 2006 places a duty on parents to ensure that their child is not present, during school hours, in a public place when they are excluded from school. A public place means any highway or other place to which the public has access. A school is not a public place for this purpose.

This duty applies to the first five days of each exclusion in a school year.

Section 105 of the Act enables a Penalty Notice to be issued where an offence is committed under Section 103. Section 103 (4) allows the parent a defence of reasonable justification.

Definitions

For the purposes of Kirklees Council’s Code of Conduct, a ‘parent’ is defined under Section 576 EA 1996 as:-

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

Throughout this document, references to ‘parent’ means each and every parent coming within the definition, whether acting jointly or separately and should not be taken to mean that provisions only apply to ‘parent’ in the singular.

For the purposes of Kirklees Council’s Code of Conduct, ‘compulsory school age’ is defined as:-

- Commencing at the start of term on or after a child’s fifth birthday and concluding on the last Friday in June of the school year in which the pupil becomes 16.

Circumstances where a Penalty Notice may be issued

The Education Safeguarding (incorporating Attendance & Pupil Support) Service will consider requests from schools, the Police, other agencies such as Social Care or the Youth Offending Service and neighbouring authorities for issue of a Penalty Notice.

Where enforcement is necessary to improve attendance

Penalty Notices will be considered when a parent has failed in their duty as defined in Section 7 of The Education Act 1996 to ensure the regular school attendance of their child.

Evidence should be available to demonstrate that:

- The pupil has had more than 10% unauthorised absence within a continuous 6 week period;
- Support has been offered by school and/or by the Education Safeguarding (incorporating Attendance & Pupil Support) Service;
- All reasonable attempts have been made to engage the parent and to provide opportunities for the parent to address the poor attendance;
- Parenting or similar contracts have been offered which were clear in the expectations of the parent and of the support that would be offered;
- DfE guidance on the use of parenting contracts has been followed;
- Parents have been made aware of the legal sanctions available including the possibility of a Penalty Notice being issued;
- The pursuit of an Education Supervision Order or a Parenting Order may not be appropriate to bring about improvement in the pupil's attendance.

In cases where families include more than one child with unauthorised absence, multiple issuing of Penalty Notices may be necessary but this will be subject to consideration on a case by case basis, by the Education Safeguarding (incorporating Attendance & Pupil Support) Service.

For unauthorised leave of absence taken during term time

All Kirklees schools are required to have a written school attendance policy which includes:

- The school policy in relation to leave of absence;
- The criteria to be used when deciding whether to authorise leave of absence;
- The sanctions to be used if agreements are not kept – this could include requesting that a penalty notice be issued.

A summary of the school's policy on leave of absences must be included in the school brochure/prospectus/website and include details of any procedures to request leave of absence or other exceptional leave.

Penalty Notices may be issued:

- If parents have not sought permission from the head teacher before taking their child out of school for a leave of absence in term time;
- If the head teacher has refused the request but the absence occurs anyway;
- If a pupil has not returned to school by the agreed date with no satisfactory explanation;

AND

- Where the individual absence has been recorded by the school as an unauthorised leave of absence in the attendance register on at least 10 consecutive sessions (5 school days).

Where parents continue to take unauthorised leave of absences in term time, despite having previously been issued with a Penalty Notice, the Local Authority will consider a prosecution under S 444 of the Education Act 1996.

Excluded pupils found in a public place

A formal warning will be included in the initial exclusion letter given to the parent(s). This warning will make it clear that a Penalty Notice may be issued should their child be present in a public place in the first five days of exclusion from school.

A Penalty Notice may be issued:

- If an excluded pupil of compulsory school age is unsupervised in a public place during school hours (S 103 of the Education and Inspection Act 2006);
- If an excluded pupil of compulsory school age is accompanied by a parent in a public place during school hours without reasonable justification;
- If an excluded pupil is apprehended during school hours by the Police, or by anti-social behaviour officers;
- If an excluded pupil of compulsory school age returns to the excluding school – i.e. in or around the school grounds or buildings - without prior agreement from the excluding school's head teacher;
- If an excluded pupil of compulsory school age returns to the excluding school with his/her parent(s) without prior agreement from the excluding school's head teacher.

Section 103(4) of the Education and Inspections Act 2006 allows the parent a defence of reasonable justification. 'Reasonable justification' is:

- Taking a child to a medical appointment;
- Extraordinary family circumstances – e.g. a funeral;
- Accompanying an adult to a place of work or to an education related working area of supervision – e.g. a library;
- On a school INSET day and/or school closure day.

Unless the above criteria apply, the presence of the parent does not, in itself, give reasonable justification for being found in a public place during school hours. To be justified there needs to be an element of unavoidable presence. The question of reasonableness is ultimately one for the courts to decide and will be determined on an individual case basis. It is for the parent to prove 'reasonable justification'.

The Issuing of Penalty Notices

Within Kirklees, the responsibility for issuing Penalty Notices and managing arrangements for their payment rests with the Education Safeguarding (incorporating Attendance & Pupil Support) Service. This ensures that all procedures relating to Penalty Notices are consistently applied, that enforcement action is not duplicated, and that any subsequent court action is integrated into the existing procedures.

Penalty Notices will only be issued by first class post and never as an 'on the spot' action; this is to ensure that all statutory requirements for the issue of Penalty Notices have been met and that Health and Safety requirements relating to staff safety are also met.

No parent will receive more than two separate Penalty Notices for an individual child in any one academic year. Penalty Notices may be issued to each parent of the child.

The procedure for withdrawing Penalty Notices

Guidance only allows a Penalty Notice to be withdrawn in the following circumstances:

- Proof has been established that the Penalty Notice was issued to the wrong person;
- The issuing of the Penalty Notice did not conform to the terms of this Code of Conduct.
- The absence was related to Covid19, or the Penalty Notice was issued after 1 March 2020 and/or during the enforced Government lockdown period.

Where a Penalty Notice is withdrawn in accordance with the above, a Notice of Withdrawal shall be sent to the recipient by postal service. Any amount paid towards the Penalty Notice in pursuance of that notice shall be repaid to the payee.

No proceedings shall be commenced (under Section 444(1) or 444(1A) of the Education Act 1996 or under S103 (3) of the Education and Inspections Act 2006) for an offence to which a withdrawal notice has been issued.

The Procedure for payment of Penalty Notices

Arrangements for payment will be included with the Penalty Notice. Payment of a Penalty Notice discharges the parent of liability for the offence in question. S/he cannot subsequently be prosecuted for the period covered by the Penalty Notice.

From September 2013, payment of a Penalty Notice within 21 days is £60 and payment after 21 days, but within 28 days is £120.

Kirklees Council retains any revenue from Penalty Notices to cover enforcement costs (collection or prosecution in the event of non-payment).

Procedure to address Non-Payment of Penalty Notices

If after 28 days the notice remains unpaid, the Education Safeguarding (incorporating Attendance & Pupil Support) Service will inform the parent/carer of subsequent action being taken.

Non-payment of a Penalty Notice will normally trigger a prosecution (under the provisions of section 444 of the Education Act 1996 or under the provisions of S103 (3) of the Education and Inspections Act 2006). The prosecution can only be for the original offence and not for the non-payment of the Penalty Notice.

Should a Penalty Notice be issued for a second offence and there has been a failure to pay a previous notice, this fact may be used in evidence and will be deemed to be an aggravating feature of the offence

Legal Interventions Panel

All prosecutions will be scrutinised by the Legal Interventions Panel to guarantee consistency and fairness across the Local Authority. The Panel will ensure that the paperwork adheres to the Kirklees Code of Conduct and that any Public Interest Test has been applied.

Policy and Publicity

Attendance

The utilisation of Penalty Notices as a sanction for unauthorised absence from school forms part of the Local Authority's Attendance Strategy. All policies in schools relating to school attendance should include information on the utilisation of Penalty Notices and this sanction should be brought to the attention of all parents.

Kirklees Council will provide information on the use of Penalty Notices in its leaflets, which are available to parents, and in its publicity campaigns.

Excluded Pupils

The utilisation of Penalty Notices as a sanction for failing to ensure that a child is not present in a public place, during school hours, when excluded from school, forms part of the Local Authority's response to exclusions. All policies in schools relating to school exclusion should include information on the utilisation of Penalty Notices and this sanction should be brought to the attention of all parents.

Kirklees Council will provide information on the use of Penalty Notices in its leaflets, which are available to parents, and in its publicity campaigns.