

**BRINSWORTH WHITEHILL PRIMARY SCHOOL**  
A part of Wickersley Partnership Trust



**ATTENDANCE POLICY**

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## Statement of Intent

- Brinsworth Whitehill Primary School is committed to the continuous raising of achievement of all our pupils. Regular attendance is critical if our pupils are to be successful and benefit from the opportunities presented to them.
- One of our basic principles is to celebrate success. Good, punctual attendance is fundamental to a successful and fulfilling school experience. We actively promote 100% attendance for all our pupils and we use a variety of termly and annual awards to promote good attendance and punctuality.
- The Governors, Head teacher and Staff in partnership with parents have a duty to promote full attendance at Brinsworth Whitehill Primary School.

## Parental Responsibility

Parents have a legal duty to ensure that their child(ren) attend school regularly and arrive on time. Full attendance is essential to the all round development of the child and they should be allowed to take full advantage of educational opportunities available to them by law. Poor attendance undermines their education and can put pupils at risk of educational under-achievement and encourage anti-social behaviour.

It is the parents' responsibility to contact the school on the first day their child is absent and any other subsequent days they do not attend school. Parents can contact school by visiting the office, ringing the office or messaging via MyEd. This is a safeguarding issue so that all parties know that a child is safe.

Pupils are expected to arrive at 8:45am. All pupils that arrive later than 9.00am must report to the school office where the reason for lateness is recorded.

## The Role of the School Staff

School Leadership has overall responsibility for attendance.

Class teachers complete a register at the beginning of each morning and afternoon session. Marking the attendance registers twice daily is a legal requirement. The class teacher notifies school attendance officers of children whose attendance is causing concern.

Attendance officers will ensure that:

- Attendance and lateness records are up to date.
- If no reason for absence has been provided, parents are contacted on the first day of absence.
- Where there has been no communication, we may contact Early Help.
- The appropriate attendance code is entered into the register (National Attendance Codes).
- Parents are informed termly of a child's attendance figure when it falls below 96%.

Appropriate strategies are put into place to support pupils and families whose attendance is causing concern (refer to section 3).

## Children Missing Education

No child may be removed from the school roll without consultation between the Head teacher and Early Help. Where a child is missing from education, Local Authority guidance will be followed.

# Section 1

## Punctuality

At Brinsworth Whitehill Primary School the register is taken at 8:50am and immediately after lunch. Pupils arriving after these times must enter school by the main entrance and report to reception where their name and reason for lateness will be recorded.

# Section 2

## Attendance

### Authorising Absence

Only the School Leadership can authorise absence for approved reasons. The absence must be unavoidable. School Leadership is not obliged to accept a parent's explanation and if the absence is not authorised, parents will be notified.

Authorised absence codes will only be used after there has been some communication between the parent and school.

The following reasons are examples of the kinds of absence that will not be authorised:

- Persistent non-specific illness e.g. poorly/unwell
- Absence of siblings if one child is ill
- Oversleeping
- Inadequate clothing/uniform
- Confusion over school dates
- Medical/dental appointments of more than half a day without very good reasons
- Child's/family birthday
- Shopping trip
- Holidays

## Section 3

### Monitoring Attendance

The school has a 'five-step' approach to monitoring absence and lateness. It will not always be appropriate to progress through all of these steps or even to carry them out in the order listed. Responsible staff will use discretion and discuss each case carefully.

1. Where there has been no contact from parents, first day calling for all pupils.
2. Discussion with Head teacher, Attendance officer and possible Education Welfare Officer to identify pupils with attendance below 90%, monitoring trends in pupil attendance and lateness. Letters expressing concern to parents are in place.
3. Invitation to meet with school staff.
4. Referral to Early Help.
5. Potential Fixed Penalty Notice for persistent absence where no improvement is seen.

Reasons for absence are recorded and retained by the school. When a referral to the Early Help is made, the child's Registration Certificate, copies of all letters sent to parents and minutes of any meetings will be attached.

Attendance information will be provided for teachers.

- 96 - 100% attendance - class teacher to monitor and report any concerning patterns to Attendance Lead
- 90 - 96% attendance – Attendance Lead to monitor and report those whose attendance is declining
- Below 90% - monitored by Attendance Lead on a half termly basis and the five step process initiated.
- Action will be taken by the Attendance Lead and possible Early Help for those children whose attendance is consistently below 90%.
- If a new pupil has a history of poor attendance at their previous school, there will be a pre-start attendance meeting held.



# Brinsworth Whitehill Primary

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## Application for Leave of Absence

Name(s) of Pupil(s)	Class

Name of Parent/Carer:

Address:

Date of start of leave:

Date of end of leave:

Reason for absence:

I am aware that this leave of absence for my child will result in an unauthorised mark being recorded on their individual attendance record.

Signed.....Date.....

Relationship to child.....



## **Education Welfare Service**

### **Code of Conduct**

### **Fixed Penalty Notice (FPN)**

**Issued: October 2013**  
**Review: August 2015**

**Education Welfare Service**  
**Code of Conduct on the Issue of Fixed Penalty Notices in respect of  
Poor School Attendance and Holidays requested in Term-Time**

**1. Rationale**

1.1 Section 7 of the Education Act 1996 states that:

*“The parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable... to his age, ability and aptitude, and ... to any special educational needs he may have, either by regular attendance at school or otherwise.”*

1.2 Regular and punctual attendance of pupils at school is both a legal requirement and essential in order for pupils to maximise the educational opportunities available to them. Rotherham Education Welfare Service will continue to investigate cases of regular absence from school and, following appropriate casework intervention, will instigate legal action if applicable.

1.3 In law an offence occurs if a person with parental responsibility fails to secure a child's attendance at a school at which they are a registered pupil and that absence is not authorised by the school. Penalty Notices supplement the existing sanctions currently available under Section 444, Education Act 1996 or Section 36, the Children's Act 1989 to enforce attendance at school where appropriate subject to statutory defences.

1.4 The Education Welfare Service (EWS) delivers this LA responsibility.

1.5 Parents and pupils are supported at school and LA level to overcome barriers to regular attendance through a wide continuum of assessment and intervention strategies. Sanctions of any nature are for use only where parental co-operation in this process is either absent or deemed insufficient to resolve the presenting problem.

1.6 Sanctions are used primarily as a means of enforcing attendance where there is a reasonable expectation that their use will secure an improvement.

1.7 Amendments have been made to the 2007 Regulations in the **Education (Penalty Notices) (England) (Amendment) Regulations 2013**. These amendments will come into force on 1<sup>st</sup> September 2013.

1.8 The 2007 regulations set out the procedures for issuing penalty notices (fines) to each parent who fails to ensure their children's regular attendance at school. Parents must pay £60 if they pay within 28 days; or £120 if they pay within 42 days.

1.9 Amendments to 2007 regulations will reduce the timescales for paying a penalty notice. Parents must, from 1<sup>st</sup> September 2013, pay £60 within 21 days or £120 within 28 days. This brings attendance penalty notices into line with other types of penalty notices and allows local authorities to act faster on prosecutions.

1.10 In order to comply with Human Rights legislation it is essential that Penalty Notices be issued in a consistent manner. This Code of Conduct will govern the issuing of Penalty Notices in respect of unauthorised absence from school for holidays taken in term time, and unauthorised absence, for Rotherham Borough Council.

**2. Section 576 Education Act 1996: Definition of a Parent**

2.1 The education- related provisions of the Anti-social Behaviour Act 2003 apply to all parents who fall within the definition set out in this section of the Education Act 1996. This defines 'parent' as:

- All natural parents whether they are married or not
- Any person who although they are not a natural parent, has care of a child or young person – having care of a child or young person means that a person with whom the child lives and who looks after the

child, irrespective of what their relationship is with the child is considered to be a parent in education law.

2.2 Throughout this document, references to 'parent' mean 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.

### **3. Circumstances where a Fixed Penalty Notice may be issued**

3.1 The issuing of a Fixed Penalty Notice is considered appropriate in the following circumstances:-

a) In cases of absence from school when the pupil has been taken on holiday during term time, the absence has not been authorised by the school, and the child has attendance below the Local Authority average for the previous school year or 3 terms (Primary 95.2% and Secondary 93.7%) There must be at least 10 consecutive sessions (5 school days) lost due to unauthorised leave of absence during term time.  
In such cases each parent will receive a separate Fixed Penalty Notice for each child taken out of school.

b) Excessive delayed return from extended holidays without prior school agreement.

c) Following a Truancy Patrol, enquiries will be undertaken with the school of any pupil stopped. In cases where the school have recorded the absence of the pupil as unauthorised and the evidence shows that the pupil has been stopped on a previous patrol within a year then a Fixed Penalty Notice will be issued.

N.B. Fixed Penalty Notices will not be issued during Truancy Patrol as this could prejudice the Health and Safety of the Officer on Patrol. Additionally it will provide time to investigate the information provided to Officers.

d) Where the Non-School Attendance Panel believes that a Fixed Penalty Notice is the most appropriate way to deal with non-school attendance.

e) For those parents/carers of pupils in Year 11 where notification of unsatisfactory attendance has been issued during the year in which the pupil was Year 10 and unsatisfactory attendance remains a concern by October. (Year 10 Initiative)

3.2 No one parent will receive more than three separate Fixed Penalty Notices resulting from the unauthorised absence of an individual child in any 12 month period, however, there will be no restriction on the number of times a parent/carer may receive a formal warning of a possible issue of a Fixed Penalty Notice.

### **4. Procedures for issuing Fixed Penalty Notices**

4.1 In Rotherham Fixed Penalty Notices will be issued by the Education Welfare Service in order to avoid the issue of duplicate notices. The Education Welfare Service will ensure consistent and equitable delivery, retain school-home relationships and allow cohesion with other enforcement sanctions. Fixed Penalty Notices will only be issued for offences where the Local Authority is willing and able to prosecute. The Education Welfare Service will ensure that the issuing of Fixed Penalty Notices will be closely monitored to ensure that recipients pay the relevant fine. In cases where the penalty in respect of unauthorised leave of absence or persistent non-attendance is not paid within the appropriate period the Education Welfare Service will instigate action through the Courts as required by legislation.

4.2 A Fixed Penalty Notice can only be issued in cases of unauthorised absence.



- 4.3 The Education Welfare Service will receive requests to issue Fixed Penalty Notices from schools.
- 4.4 The Education Welfare Service will consider requests to issue Fixed Penalty Notices in respect of unauthorised holidays in term time at the Local Authority Fixed Penalty Notice Panel.
- 4.5 The Fixed Penalty Notice Panel will require supporting documentation and relevant information including all correspondence with the parent as consideration needs to be given to whether there are any mitigating circumstances.
- 4.6 The supportive documents required are:-
- An attendance certificate showing the unauthorised holiday code (G)
  - An attendance certificate showing the percentage attendance for the previous academic year or 3 terms
  - Any application made by the parent(s) requesting leave of absence in term time
  - The school's response to the application for leave of absence detailing the reason(s) for refusal and all associated correspondence
  - The school's letter to the parent(s) to say they are referring the matter to the Local Authority with the intention of requesting the issue of a Fixed Penalty Notice
- 4.7 Schools must consider every aspect of a pupil's case before considering whether a Fixed Penalty Notice would be appropriate. This may include strategic discussions with the allocated EWO and any other attendance support staff who have involvement with or knowledge of the pupil/family.
- 4.8 Referrals to the Fixed Penalty Notice Panel for unauthorised leave of absence during term time will only be considered provided that:-
- The circumstances of the pupil's absence meet all the requirements of this protocol
  - The full name and date of birth of the parent(s) are included in the referral from school.
  - Family circumstances/ability to pay is set against the likelihood of securing an improved attendance by issuing a Fixed Penalty Notice.
  - The EWS must receive the referral within 4 weeks of the last date of the holiday.
  - The issue of a Fixed Penalty Notice does not conflict with other intervention strategies in place or other enforcement sanctions already being processed.
- 4.9 The EWS will respond to all requests within 10 school days of the case being heard at the Fixed Penalty Notice Panel.
- 4.10 Provided the referral has met all criteria EWS will issue a Fixed Penalty Notice by post.

## **5. Procedures for Withdrawing Fixed Penalty Notices**

- 5.1 A Fixed Penalty Notice may be withdrawn by Rotherham Local Authority in any case in which the authority determines that:-
- a) It ought not to have been issued or
  - b) It ought not to have been issued to the person named as the recipient.
- 5.2 Where a Fixed Penalty Notice has been withdrawn in accordance with the above, a notice of withdrawal shall be given to the recipient and any amount paid by way of penalty pursuant of that notice shall be repaid to the person who paid it.
- 5.3 No proceedings shall be continued or instituted against the recipient for the offence in connection with which the withdrawn notice was issued or for an offence under Section 444 (1A) of the Act arising out of the same circumstances.

## **6. Right of Appeal**

6.1 There is no statutory right of appeal once a Fixed Penalty Notice has been issued. A parent must pay the Fixed Penalty Notice or face proceedings in the Magistrate's Court under Section 444 of the Education Act 1996 in relation to absences, where all of the issues relating to their Fixed Penalty Notice can be fully debated.

## **7. Payment of Penalty Notices**

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

**7.2 From 1<sup>st</sup> September 2013 Fixed Penalty Notices are set at £60 per parent per child if paid within 21 days of receipt of the notice increasing to £120 per parent per child if paid within 28 days of receipt of the notice.**

7.3 Payment of a Fixed Penalty Notice discharges the parent/carer liability for the period in question and they cannot subsequently be prosecuted under other enforcement powers for the period covered by the Penalty Notice.

7.4 The LA retains any revenue from Fixed Penalty Notices to cover enforcement costs.

## **8. Non-Payment of Fixed Penalty Notices**

8.1 Non-payment of a Fixed Penalty Notice will result in the fast-track prosecution process under the provisions of Sec 444, 1996 Education Act. The fact that a notice was issued and unpaid can be used as evidence in a subsequent prosecution.

## **9. Reporting and Review**

9.1 The Education Welfare Service will review the Code of Conduct on the Issue of Fixed Penalty Notices in regard to unauthorised holidays taken in term time and poor school attendance at regular intervals and produce reports on this area of activity as required.

## **Education Welfare Service**