



Diocese of Chelmsford Vine Schools Trust

**“I am the vine; you are the branches. If you remain in me and I in you, you will bear much fruit”
(John 15:5)**

The Diocese of Chelmsford Vine Schools Trust Attendance Policy

This policy is a model policy that must be reviewed and customised by each Vine Academy.



The Diocese of Chelmsford Vine Schools Trust	
Approved by:	The Vine Schools Trust
Signature:	Chairman
Date:	September 2019

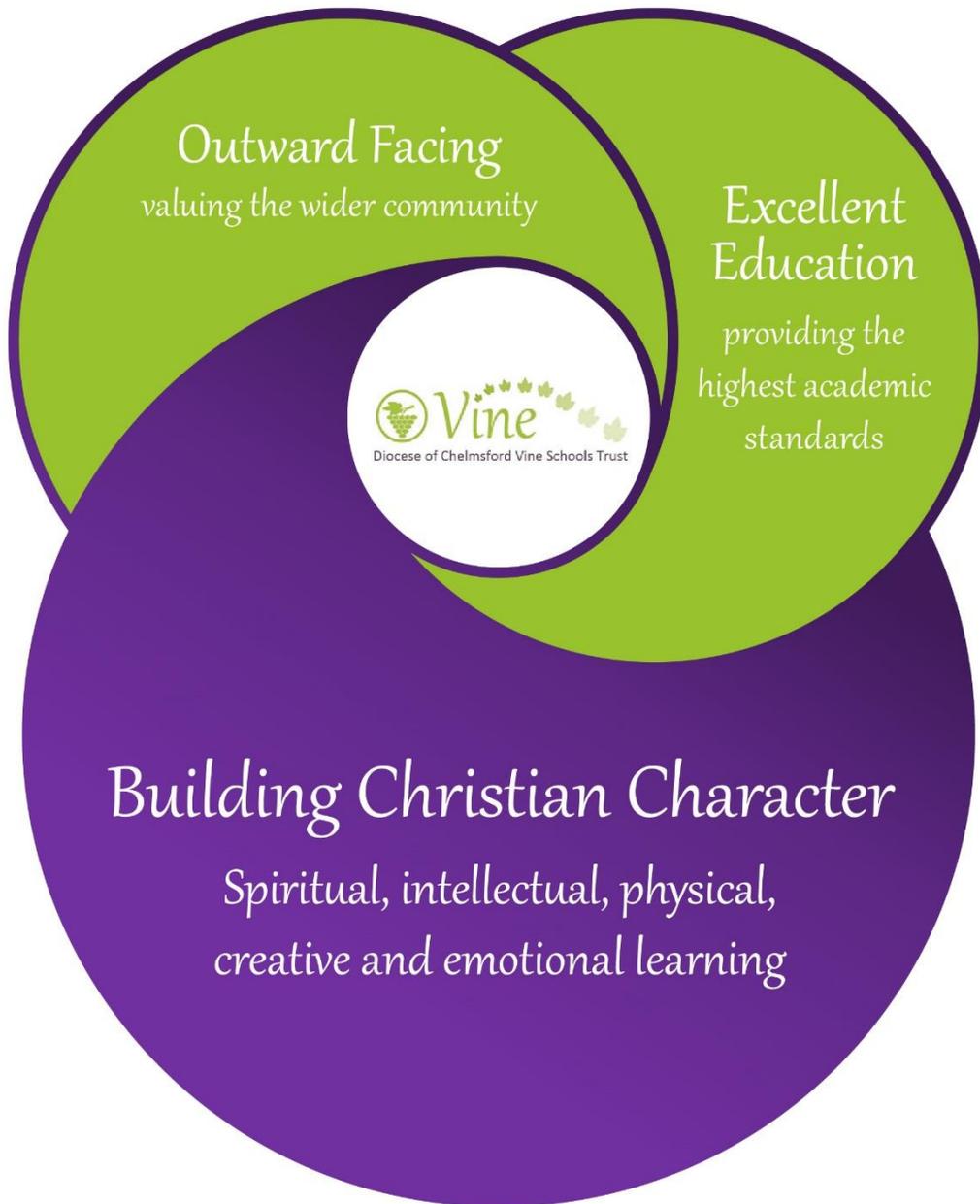
Bulphan C of E Academy	
Approved by:	Local Governing Body/Local Board
Signed (Chair of Local Governing Body/Local Board)	
Date:	September 2019

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May 2019 Changes/Amendments

- 3 – updated to reflect that each half day is a session.
- 3.3 – updated to refer to the use of penalty notices.
- 3.7 – further clarification added.
- 5.1 – need for medical evidence included.
- 5.2 – updated
- 6 – renamed
- 8.2 – added
- Appendix A - Updated

Our Vision and Values



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1. Introduction

- 1.1 The Vine Trust Board and Bulphan C of E Academy recognises that positive behaviour and good attendance are essential in order to raise standards of pupil attainment and to give every child/young person the best educational experience possible.
- 1.2 This policy is written with the above statement in mind and underpins our school ethos to:
- Create an environment, based on strong Christian values where everyone shows an understanding and respect for each other's faiths and cultures
 - Provide high quality learning through a stimulating and challenging environment
 - Value every individual and promote positive self-esteem and mutual respect
 - Promote children's welfare and safeguarding
 - Ensure every pupil has access to the full-time education to which they are entitled.
 - Ensure that pupils succeed whilst at school.
 - Ensure that pupils have access to the widest possible range of opportunities at school and when they leave school.
- This is also underpinned by our vision which states:
At Bulphan we celebrate the uniqueness of every child of God in our Christian community and encourage them in all we do, preparing them for life's journey.
- 1.3 For our children to gain the greatest benefit from their education it is vital that they attend regularly and be at school, on time, every day the school is open unless the reason for the absence is unavoidable. **It is a rule of this school that pupils must attend every day, unless there are exceptional circumstances and it is the headteacher, not the parent, who can authorise the absence.**
- 1.4 Any absence affects the pattern of a child's schooling and regular absence will seriously affect their learning. Any pupil's absence or late arrival disrupts teaching routines and so may affect the learning of others in the same class. Ensuring a child's regular attendance at school is a parental responsibility and permitting absence from school without a good reason creates an offence in law and may result in prosecution.
- 1.5 This policy has been developed in consultation with Vine directors, local school governors, teachers and parents and carers. It seeks to ensure that all parties involved in the practicalities of school attendance are aware and informed of attendance matters in school and to outline the schools commitment to attendance matters. It details the responsibilities of individuals and groups involved and the procedures in place to promote and monitor pupil attendance.
- 1.6 Our policy aims to raise and maintain levels of attendance by:
- Promoting a positive and welcoming atmosphere in which pupils feel safe, secure and valued.
 - Raising awareness of the importance of good attendance and punctuality.
 - Ensuring that attendance is monitored effectively and reasons for absences are recorded promptly and consistently.

2. Promoting Regular Attendance

- 2.1 Helping to create a pattern of regular attendance is the responsibility of parents, pupils and all members of school staff.
- 2.2 To help us all to focus on this we will:
- Give parents/carers details on attendance in our newsletters.
 - Report to parents/carers annually on their child's attendance with the annual school report.
 - Contact parents/carers should their child's attendance fall below the school's target for attendance.
 - Celebrate excellent attendance by displaying and reporting individual and class achievements.

- Reward good or improving attendance.

3. Understanding Types of Absence

- 3.1 Every half-day absence from school has to be classified by the school (not by the parent/carer), as either AUTHORISED or UNAUTHORISED. This is why information about the cause of any absence is always required. Each half-day is known as a 'session'
- 3.2 **Authorised absences** are mornings or afternoon sessions away from school for a good reason like illness (although you may be asked to provide medical evidence for your child before this can be authorised), medical or dental appointments which unavoidably fall in school time, emergencies or other unavoidable cause.
- 3.3 **Unauthorised absences** are those which the school does not consider reasonable and for which no 'leave' has been given. This type of absence can lead to the Local Authority using sanctions and/or legal proceedings which may include issuing each parent with a Penalty Notice for £120, reduced to £60 if paid within 21 days or referring the matter to the Magistrates Court whereby each parent may receive a fine up to £2500 and/or up to 3 months in prison. If you are found guilty in court you will receive a criminal conviction.
- Unauthorised absence includes, however is not exhaustive:
- Parents/carers keeping children off school unnecessarily e.g. because they had a late night or for non-infectious illness or injury that would not affect their ability to learn.
 - Absences which have never been properly explained.
 - Children who arrive at school after the close of registration are marked using a 'U'. This indicates that they are in school for safeguarding purposes however is recorded as an absence for the session
 - Shopping trips.
 - Looking after other children or children accompanying siblings or parents to medical appointments.
 - Their own or family birthdays.
 - Holidays taken during term time without leave, not deemed 'for exceptional purposes' by the headteacher- may result in school applying to the local authority to issue a penalty notice or if you have previously been issued a Penalty Notice, the school may request a direct prosecution by the local authority.
 - Day trips.
 - Other leave of absence in term time which has not been agreed.
- 3.4 **School Attendance and the Law**
There is no longer any entitlement in law for pupils to take time off during the term to go on holiday. In addition, the Supreme Court has ruled that the definition of regular school attendance is "in accordance with the rules prescribed by the school".
- 3.5 The Education (Pupil Registration) (England) Regulations 2006 were amended in September 2013. All references to family holidays and extended leave have been removed. The amendments specify that headteachers may not grant any leave of absence during term time unless there are "exceptional circumstances" and they no longer have the discretion to authorise up to ten days of absence each academic year.
- 3.6 It is a rule of this academy that a leave of absence shall not be granted in term time unless there are reasons considered to be exceptional by the headteacher, irrespective of the child's overall attendance. Only the headteacher or his/her designate (not the local authority or Trust Board) may authorise such a request and all applications for a leave of absence must be made in writing on the prescribed form provided by the academy. Where a parent removes a child when the application for leave was refused or where no application was made to the school, the issue of a penalty notice may be requested by this academy.
- 3.7 **At Bulphan C of E Academy 'exceptional circumstances' will be interpreted as:**

... being of unique and significant emotional, educational or spiritual value to the child which outweighs the loss of teaching time (as determined by the headteacher). The fundamental principles for defining 'exceptional' are events that are "rare, significant, unavoidable and short". By 'unavoidable' we mean an event that could not reasonably be scheduled at another time.

3.8 We will not consider applications for leave during term time:

- At any time in September. This is very important as your child needs to settle into their new class as quickly as possible.
- During assessment and test periods in the school's calendar affecting your child.
- When a pupil's attendance record already includes any level of unauthorised absence or they have already been granted authorised leave within that academic year.

3.9 Whilst any child may occasionally have time 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 a parent thinks their child is reluctant to attend school then we will work with that family to understand the root problem and provide any necessary support. We can use outside agencies to help with this such as the School Nurse, Local Authority Officers or Child and Family Support Worker.

4. Persistent Absenteeism (PA)

4.1 A pupil is defined by the Government as a '**persistent absentee**' when they miss 10% or more schooling across the school year for whatever reason. Absence at this level will cause considerable damage to any child's education and we need a parent/carer's fullest support and co-operation to tackle this.

4.2 We monitor all absence, and the reasons that are given, thoroughly. If a child is seen to have reached the PA mark or is at risk of moving towards that mark we will inform the parent/carer. PA pupils are tracked and monitored carefully. We also combine this with academic tracking where absence affects attainment. All our PA pupils and their parents are subject to a school based meeting and the plan may include: allocation of additional support through the School Nurse, Local Attendance Adviser, Home School Liaison Worker, Local Authority, Family Solutions or Social Care. We may also use circle time, individual incentive programmes, individual targets and participation in group activities to support us in raising attendance.

5. Absence Procedures

5.1 If a child is absent from school the parent/carer must follow the following procedures:

- Contact the school on the first day of absence before 8.50 am. The school has an answer phone available to leave a message if nobody is available to take your call, or call into school personally and speak to the office staff.
- Contact the school on every further day of absence, again before 9.00am.
- Ensure that your child returns to school as soon as possible and you provide any medical evidence if requested to support the absence.

5.2 If your child is absent we will:

- Telephone or text you on the first day of absence if we have not heard from you however it is your responsibility to contact us.
- Write to you if your child's attendance is below 95%.
- Invite you in to school to discuss the situation with our School Attendance Officer or Headteacher if absences persist.
- Refer the matter to the Local Authority for relevant sanctions if attendance deteriorates following the above actions.

6. Attendance Compliance Team

- 6.1 Parents are expected to contact school at an early stage and to work with the staff in resolving any problems together. This is nearly always successful. If difficulties cannot be sorted out in this way, the school may refer the child to the Local Authority. Local Authority Officers work with schools, families and other professionals to reduce persistent absence and improve overall attendance. If attendance does not improve, legal action may be taken in the form of a Penalty Notice (see Annex A for the Code of Conduct), prosecution in the Magistrates Court or the application of an Education Supervision Order, designed to strengthen parental responsibilities and ensure improved attendance.

7. Lateness

- 7.1 Poor punctuality is not acceptable. If a child misses the start of the day they can miss work and do not spend time with their class teacher getting vital information and news for the day. Late arriving pupils also disrupt lessons, can be embarrassing for the child and can also encourage absence. Good time-keeping is a vital life skill which will help our children as they progress through their school life and out into the wider world.
- 7.2 **How we manage lateness:**
The school day starts at **8.50 am** when children can begin to come into school. Registers are taken at **8.55am** and your child will receive a late mark if they are not in by **9.00am**. Children arriving after **8.50 am** are required to come in to school via the school office if accompanied by a parent or carer, the parent/carer will sign them into our 'Late Book' and provide a reason for their lateness which is recorded. The school may send home 'late notes' in order to keep parents and carers informed. From time to time the Headteacher or Designated member of staff will undertake a 'Late Gate' check, greeting late arrivals at the main entrance to the school.
- 7.3 At **9.15am** the registers will be closed. In accordance with the Regulations, if your child arrives after that time they will receive a mark that shows them to be on site, but this will **not** count as a present mark and it will mean they have an unauthorised absence. This may mean that you could face the possibility of a Penalty Notice if the problem persists. If your child has a persistent late record you will be asked to meet with the School Welfare Officer and/or Child and Family Support Worker, but you can approach us at any time if you are having problems getting your child to school on time. We expect parents and staff to encourage good punctuality by being good role models to our children and celebrate good class and individual punctuality.
- 7.4 If leave of absence is authorised, the school will not provide work for children to do during their absence. Parents are however advised to read with their children and encourage them to write a diary while they are away.

8. Deletion from Roll

- 8.1 For any pupil leaving Bulphan C of E Academy, other than at the end of year 6 parents/carers are required to complete a 'Pupils moving from school' form which can be obtained from the school office. This provides school with the following information: Child's name, class, current address, date of leaving, new home address, name of new school, address of new school. This information is essential to ensure that we know and safeguard the whereabouts of all of our pupils.
- 8.2 It is crucial that parents keep school updated with current addresses and contact details for key family members in case of emergency.

9. Summary

- 9.1 The school has a legal duty to publish its absence figures to parents and to promote attendance.
- 9.2 Equally, parents have a duty to make sure that their children attend school, on time, every day.
- 9.3 All school staff and the Local Governing Body/Local Board are committed to working with parents and pupils as the best way to ensure as high a level of attendance as possible.

Appendix A – Essex Code of Conduct Children's Services, Education Welfare Service

Penalty Notice Code of Conduct for Unauthorised Absence from School

1. Introduction

1.1 This is the Code of Conduct for issuing Penalty Notices in cases of unauthorised absence from any school or alternative provision in Thurrock. It is intended to comply with the relevant law, to be easy to use and to ensure that Penalty Notices are administered fairly across the local authority.

1.2 It applies to all schools within Thurrock, including academies, free schools and establishments where alternative provision is arranged under Section 19 of the Education Act 1996. It is effective from **1 September 2017**.

1.3 Each local authority must draw up a Code of Conduct to ensure consistency in the issuing of Penalty Notices within its area. Penalty Notices must also be issued in accordance with the Human Rights Act 1998 and the Equality Act 2010. All prosecutions are brought by the local authority. The Education Welfare Service will be able to clarify queries.

2. Background

2.1 Regular and punctual attendance at school is a legal requirement for pupils and is essential if pupils are to maximise the opportunities available to them. It is a parent's responsibility to ensure that their child attends regularly.

2.2 An offence occurs:

- If a parent 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; **or**
- An excluded child is found in a public place, without their parent, during the first 5 school days of a formal exclusion from school.

2.3 Section 576 of the Education Act 1996 defines "parent" as *"all natural parents, whether they are married or not; any person who, although not a natural parent, has parental responsibility (as defined in the Children Act 1989) for a child or young person; and any person who, although not a natural parent, has care of a child or young person. Having care of a child means that person with whom the child lives and who looks after a child, irrespective of what their relationship is with that child, is considered to be a parent in education law."*

2.4 Schools have a range of strategies available to them to encourage good attendance. The Education Welfare Service is available to investigate cases of regular non-attendance from school. The local authority is required by law in some circumstances to take statutory action to improve attendance and as a last resort may prosecute.

2.5 A Penalty Notice is an alternative to prosecution and offers parents the opportunity to discharge their responsibility for the period of non-attendance by payment of a penalty rather than by prosecution through the Criminal Court. The use of a Penalty Notice should be considered at the earliest opportunity; if it is believed it will address the non-attendance before it becomes entrenched.

3. Compliance with the Code

3.1 Penalty Notices issued in Thurrock must comply with this code. Failure to do so may result in the Penalty Notice being invalid and ultimately withdrawn .

4. Circumstances in which a Penalty Notice may be issued

Irregular Attendance

4.1 Penalty Notices can only be issued in respect of unauthorised absence, and must meet the following criteria:

- At least 12 sessions of unauthorised absence are recorded against the pupil's name within a period of 120 available sessions (one session is a half day).
- Parents must first be sent a letter warning that a Penalty Notice could be issued and allowing them 15 school days to evidence a commitment to improving their child's attendance.
- We recommend that the warning letter should be sent before the criteria is met; at 8-10 unauthorised sessions. After 15 days the warning period can be extended further, but this must be communicated to the parent.

The Penalty Notice request must be submitted within four school weeks of the last absent session in the prosecution period. Applications submitted after this date and/or inaccurate or incomplete applications will be rejected and returned to the sender.

Unauthorised Leave of Absence (term time holiday)

The Education (Pupil Registration) (England) Regulations 2006 were amended in 2013 so that references to family holiday (including reference to headteachers allowing up to 10 school days for a term time holiday) and extended leave were removed. The amendments make clear that headteachers may not grant any leave of absence during term time unless there are exceptional circumstances. Headteachers should determine the number of school days the child may be away from school if the leave is granted.

4.2 Penalty Notices can only be issued in respect of unauthorised absence, and must meet the following criteria.

- If a headteacher does not authorise a request from a parent for term time leave of absence and the parent takes the leave. **In such circumstances, it is good practice for the school to advise parents of this and how the action conforms to the schools attendance policy.**
- There must be at least 10 consecutive sessions of unauthorised term time leave.

The Penalty Notice request must be submitted within four school weeks of the pupil's return to school following the unauthorised leave of absence. Applications submitted after this date and/or inaccurate or incomplete applications will be rejected and returned to the sender.

Exclusions

- Where a pupil of compulsory school age who has been excluded from school (either for a fixed period or permanently) is found to be present in a public place during school hours in the first five days of the exclusion, without reasonable justification. The parent must have been notified in writing by the school at the time of the exclusion of this and the days to which it applies.
- It is expected that the school has challenged the parent at the time and recorded evidence of this will be provided with the Penalty Notice application.

5. Who can issue a Penalty Notice?

5.1 In accordance with this Code of Conduct a Penalty Notice will only be issued by the following individuals:

- Authorised local authority officers – in Thurrock, these are members of the Education Welfare Service.
- Headteachers, in respect of pupils registered at their school may make application to the Education Welfare Service to issue.
- Deputy and assistant headteachers, as authorised by their headteachers may do the same.
- A Police Officer or Police Community Support Officer (PCSO) in the case of an excluded pupil being in a public place.

6. Procedure for Issuing a Penalty Notice

6.1 Schools will adopt a policy that ensures parents receive an appropriate warning in relation to *any* unauthorised absence or persistent lateness.

6.2 Prior to issuing a Penalty Notice in respect of irregular attendance it is a requirement that a final warning letter be sent to the parent allowing the parent 15 school days to evidence a commitment to improving their child's attendance.

6.3 Attendance will be monitored by the school. If, after schools have followed a robust attendance management process, there is no satisfactory improvement in the levels of attendance application can be made for a Penalty Notice to be issued.

6.4 When issuing a Penalty Notice the authorised individual must ensure that there is sufficient evidence for a prosecution under section 444(1) or 444(1a) of the Education Act 1996. For the avoidance of doubt, a Penalty Notice issued under the provisions of this Code will be sufficient for a prosecution under, at the very least, section 444(1) of the Education Act 1996.

6.5 A Penalty Notice can be issued in respect of each child and to each parent in relation to each instance of unauthorised absence.

6.6 No more than 2 Penalty Notices will be issued to a parent within a 12 month period. If the law continues to be broken around school attendance consideration should be given to immediate prosecution through the Criminal Court under Section 444(1) or 444(1a).

6.7 Penalty Notices will only be sent by first class post and not as 'on the spot' action. This will ensure all evidential requirements are in place and safeguards officers.

6.8 If a Penalty Notice is issued to a parent whose child lives outside Thurrock a copy of the notice must be sent to the local authority where they live.

6.9 Once a person is issued with a Penalty Notice they must pay a penalty. This is set by regulation at £60 if paid within 21 calendar days (after the date of issue), rising to £120 if paid after 21 calendar days but within 28 calendar days.

6.10 Penalty Notices must be paid in full. Instalment payment is not acceptable.

6.11 If the recipient fails to pay in full within 28 calendar days the local authority will prosecute for the offence to which the notice applies, save for in very limited circumstances when the notice may be withdrawn.

7. Circumstances in which a Penalty Notice may be withdrawn

7.1 A Penalty Notice may be withdrawn by the Local authority in any case in which the authority determines that:

- It has not been issued in accordance with the Code of Conduct.
- It ought not to have been issued to the person named as the recipient
- It appears to the local authority that the notice contains material errors.
- The Penalty Notice has not been paid in full after 28 calendar days of issue, but it is not appropriate to prosecute the recipient for the offence in connection with which the notice was issued.

7.2 The decision to withdraw the notice must be confirmed in writing to the recipient of the original notice.

8. Non-payment of Penalty Notices

8.1 If the Penalty Notice is not paid in full by the end of the 28 calendar day period, the local authority must either prosecute for the offence to which the notice applies or withdraw the notice.

8.2 The prosecution **is not for non-payment of the notice**, but is a prosecution for irregular school attendance under section 444(1) or 444(1a) of the Education Act 1996.

8.3 In the event of a prosecution the school will be required to submit to the Education Welfare Service, at the following address: Education Welfare Service, Thurrock Council, Civic Offices, New Road, Grays, Essex RM17 6SL, a bundle containing the following documents:

- Certified Extract signed by the Head teacher
- Witness Statement signed by the Head teacher
- Pupil Attendance Records (PAR) covering the relevant prosecution period
- Correspondence/warning letters relating to the prosecution period
- Final warning letter (if applicable)
- NPA01 (444 (1)(a) matters)

8.4 In the event of a prosecution and, in particular if the defendant enters a 'not guilty' plea; headteachers/school staff must be available to appear as a witness for the prosecution and be prepared to give evidence in court. Therefore, in addition to the documentation in section 8.3 details should be submitted of dates to be avoided.

9. General points

9.1 Schools must apply to the Education Welfare Service to issue a Penalty Notice on its behalf.

9.2 Applications must include a copy of the initial warning letter (where appropriate) and the Pupil Attendance Record pertaining to the Penalty Notice period. Schools must be prepared to provide a copy of the Pupil Attendance Record showing all tracked changes if requested.

9.3 For Penalty Notices issued in the case of unauthorised leave of absence, or absences in excess of the period determined by the headteacher, clear documentary evidence must be provided that demonstrates that the parent understood that permission had not/would not be given.

9.4 There are no restrictions on the number of times a parent may receive a formal warning that a

Penalty Notice may be issued.

9.5 It is not appropriate to issue a Penalty Notice if this conflicts with other legal action already being taken or, in most cases, where the pupil is in the care of the local authority.

9.6 Where a Police Officer or Police Community Support Officer stops an excluded pupil in a public place during the school day and the pupil has no reasonable justification to be there a request can be made by the officer for the Education Welfare Service to issue a Penalty Notice. The Education Welfare Service will establish, as soon as practicable, whether the relevant criteria are met, and if so, will issue the Notice.

9.7 The Local authority retains sums paid in respect of Penalty Notices, and these go towards the cost of administering the scheme and resulting legal action. In the unlikely event that the Local authority receives more income from Penalty Notices than it spends on administering the scheme, the excess income must be paid to the Secretary of State.

9.8 The Education Welfare Service will maintain a record of all applications and outcomes.

10. Appeals

10.1 There is no statutory right of appeal against the issuing of a Penalty Notice. However; the Education Welfare Service may agree to suspend a Penalty Notice for a period of time to allow the school to conduct further investigations if a parent, **within 10 school days** from the date on the Penalty Notice, raises issues of significant gravity that could lead to a legal challenge or affect a subsequent court case.

10.2 If a parent provides evidence to suggest that the absence(s) ought to be authorised; a written request submitting said evidence must be made, **within 10 school days** from the date on the Penalty Notice; to the headteacher to reconsider their decision. Should the headteacher decide to retrospectively authorise the absence(s) the Education Welfare Service must be informed and the Penalty Notice withdrawn. It is expected that this matter should take **no longer than 10 school days** (from the date of the submission) to resolve and the school must liaise with the EWS during this period.

10.3 Parents who believe the Penalty Notice has been issued outside of the Code of Conduct may, **within 10 school days** of the date on the Penalty Notice; make written representation to Principal Education Welfare Officer, Education Welfare Service, Civic Offices, New Road, Grays, Essex RM17 6SL setting out reasons why a Penalty Notice should not have been issued. **Please note: this does not apply to those parents who believe the absence should be authorised (see point above).** The parent will be notified of the outcome in writing, within 10 working days of the submission, and a copy sent to the school

For further information or advice, please contact :-

Education Welfare Service

01375 652568

ews@thurrock.gov.uk

Appendix B – Absence and Attainment Link

DfE “The link between absence and attainment at KS2 - 2013/14 academic year”

The analysis of the link between overall absence ...and attainment when taking prior attainment and pupil characteristics into account showed that, for each KS2 and KS4 measure, overall absence had a statistically significant negative link to attainment – i.e. every extra day missed was associated with a lower attainment outcome.

