



# Policy and Practice guide for Schools on the management of pupil attendance - March 2012 revision

## **What I Like about School**

School is a wonder, school is a blast,  
I wish that school would forever last,  
Wonderful menus to eat each day,  
New words to learn and games to play,  
Children to stand there by my side,  
Friends to make the whole school wide,  
Lovely teachers so patient and kind,  
Helping me, my way to find,  
P.E and sports to keep me strong,  
Walking in file in uniforms so neat,  
School life is fun and these days are sweet,  
Following rules to make us wise,  
Plays and shows and fun disguises,  
Assembly and songs, prayers and learning,  
To quench our thirst for this we're yearning,  
Working together we come as one,  
Until our day at school is done,  
I want to learn and grow up bright,  
An education is my delight,  
Without this school I'd miss so much,  
Without my teacher's caring touch,  
I'd miss my friends and fun days out,  
Visits where learning is what it's about,  
Trips to inspire our inner desire,  
To feed our souls and minds with fire,  
But most of all school helps us read,  
Our imagination it helps us feed,  
So I can write and count and spell,  
This schooling will serve us very well,  
With an education we dare to hope,  
A doctor, a lawyer we might become,  
A dentist, a nurse and help everyone,  
But I think I know, I can really tell,  
That I'd like to become a teacher as well,  
To help the young, guide them on their way,  
Then happy at school I'll forever stay.

**By Neisha Gomes**  
**Mellor Community Primary School**

**Winner of the 2011 Attendance Campaign Poetry  
Competition.**

**POLICY AND PRACTICE GUIDE FOR SCHOOLS  
ON THE MANAGEMENT OF PUPIL ATTENDANCE**

(March 2012 revision)

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## 1. Introduction

Ensuring high levels of pupil attendance is a significant factor in ensuring positive outcomes within the Every Child Matters – Enjoy and Achieve outcome and as such is properly reflected within the local Children and Young Person’s Plan (CYPP).

Ensuring regular pupil attendance is a key factor in increasing participation and promoting inclusion. The effective management of pupil absence from school is vitally important, for clear evidence exists which confirms a strong link between pupil absence and low attainment. A positive attendance culture is best achieved when pupils, parents/carers, the school and the Local Authority (LA) work in partnership together.

The Education Welfare Service (EWS) seeks to maximise school attendance rates at all city schools by working in close partnership with each school to support their strategies, monitor attendance levels, offer practical help and guidance, and by undertaking individual casework to achieve this aim.

The OFSTED report “The Challenge for Education Welfare” (1995), observed:

“Invariably, good relationships were nurtured by clear policies and operational practices which were shared by the school. Often roles were unclear and this led to situations where EWOs were asked to assume an inappropriate level of responsibility for attendance problems; to try to do too much in the time available; or where some cases were referred inappropriately. Where schools nominate a senior member of staff with responsibility for attendance issues the situation was usually improved; regular timetabled meetings took place with other relevant members of staff such as Heads of Year, and attendance was seen as an issue of importance for the whole school.”

The above statement remains equally valid today and all schools are encouraged to appoint an attendance leader to take overall responsibility and leadership for pupil attendance issues. The current advice from the DfE is that *‘schools should have effective systems and procedures for encouraging regular school attendance, investigating and resolving the underlying causes of poor attendance, and for early identification of persistently absent pupils and prevention of their absence. These should be set out in an attendance policy.* In addition, the DfE state that:

- *These systems should be reviewed regularly and modified where necessary to reflect the circumstances of the school.*
- *Parents should be aware of the school attendance policy and should be encouraged to cooperate with the systems and procedures that the policy describes.*
- *A good attendance policy should clearly set out staff roles and responsibilities for dealing with attendance, and should link to the school’s behaviour and bullying policies.*
- *The attendance policy should reflect the LA attendance strategy and should be endorsed by the school governors.*

Historically, the government's focus on attendance has concerned overall absence and unauthorised absence. In the 2000s, the concept of persistent absence (PA) was introduced, the definition being pupils with 80% or lower attendance. All schools and LAs were required to submit targets for overall absence and LAs in addition were required to submit PA targets.

Schools are no longer required to submit absence targets to the DfE but, there is renewed focus on PA: in July 2011, the DfE extended the use of persistent absence as a measure of performance. In *Reducing absence – ensuring schools intervene earlier*, the DfE communicated a key change to the definition of PA with the 80% measure moving to 85% with the intention also being to monitor numbers of pupils with 87.5% and 90% attendance: previously, any pupil who had accrued 64 or more absences by the end of half term 5 in that academic year would have been classed as a PA pupil – the new measure means that any pupil with 46 or more absences is classed as a PA pupil by the school. In Leicester, the use of 46 absences as the criteria for PA usually leads to more pupils being classed as PA than actually are PA (due to our term dates): schools are advised to report on the 46 absence level, and also the actual level which will usually be lower. The new measure will be applied from now on and also retrospectively to academic year 2010/11.

The intention outlined in the document (as the title suggests) is for schools to intervene earlier: in addition to earlier intervention at pupil level, there is also a focus on intervening at the primary stage. The DfE recognise the significant improvements at secondary level but note that where families have bad attendance habits at primary school, these can become entrenched and it becomes very difficult to change these habits at secondary level. In relation to, the DfE states '*when Ofsted come to inspect they will look closely at what the school has done to improve the attendance of PA pupils*'.

The latest Ofsted inspection guidance stresses the fact that schools' attendance data is to be compared to national averages in reaching a judgement and this is irrespective of their levels of free school meals and of the type of school ie mainstream, special, PRU. (See Appendix B for Ofsted judgements linked to levels of absence.) Schools should note however, that the DfE has indicated (in the July 2011 briefing on PA) that it is recognised that some pupils have genuine medical conditions that necessitate time out of education. They state in the accompanying 'Frequently asked questions' that '*the new Ofsted framework allows for flexibility around the inspection of attendance and the individual circumstances of pupils with good reason to be off school will not affect the final judgement*'.

In order to address pupil attendance issues strategically, an established Local Authority Pupil Attendance Strategy Group meets half termly. Membership comprises of multi-agency representation from all agencies with a role to play in reducing pupil absence levels and primary and secondary schools are represented. (The group's terms of reference can be found in Appendix A).

Whilst the DfE no longer requires all schools to set and submit an annual pupil absence target, schools will naturally set targets for overall absence and PA and the LA Strategy Group has agreed that these will be collected and reviewed by the LA with schools. In addition to this, the LA Strategy Group will continue to set and review targets for overall absence, authorised and unauthorised absence and PA.

There has been a considerable amount written recently on the damaging effects upon society caused by pupil absence from school and on what LAs and schools should be doing to address the problem. The link between poor attendance and poor attainment is clear as is the link with NEET (ie pupils who leave school and are 'Not in Education, Employment or Training'). This policy and practice guide seeks to set out the legal position regarding compulsory education, to provide guidance on what schools should be doing to promote pupil attendance levels and also sets out the support schools can expect to receive from the Education Welfare Service and other partner agencies.

## **2. The Legal Position Regarding School Attendance**

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

(a) to his (her) age, ability and aptitude, and

(b) to any special educational needs he (she) may have,

either by regular attendance at school or otherwise.

(s.7 Education Act 1996)

In relation to the Education Act 1996, parent includes any person who has parental responsibility for the child, or has care of him (her) (s.576 Education Act 1996).

The maximum fine for failing to ensure regular attendance is £1,000, which increases to a maximum of £2,500 and/or a community penalty or a prison sentence of up to 3 months on conviction of the aggravated offence (see p22). Parents can also be given a Parenting Order, whereby they are required to attend parenting classes and comply with specific conditions of the order, which can last up to 12 months.

As an alternative to court action, a Penalty Notice can be issued to each parent. This amounts to a fine of £50 if paid within 28 days, increasing to £100 if paid after this, but within 42 days. If unpaid thereafter, the matter is taken to court in the usual way.

## **3. The Role of the Education Welfare Service (EWS)**

The primary function of the EWS is that of ensuring that all children of compulsory school age are allowed the opportunity to take maximum advantage of the educational provision made available to them by the LA, either by regular attendance at school or otherwise. The Service works with young people, parents/carers, schools and other relevant agencies to explore the difficulties which are preventing a young person's regular attendance and then attempts to assist the family to address and overcome these difficulties by formulating and implementing an agreed action plan.

The EWS operates within a legal framework and executes the LA's statutory duty of ensuring that parents/carers fulfil their legal obligations. Where it has not been possible to secure a satisfactory return to school or education otherwise, legal action, where appropriate, is taken by the Service in the Magistrates' Court (s.437 - 446 Education Act 1996) or in the Family Proceedings Court (s.35 - 36 Children Act 1989). In addition, The Anti-Social Behaviour Act 2003 gives the Local Authority powers to issue Penalty Notices to parents/carers in respect of unauthorised absence from school, as an alternative to legal proceedings in the Magistrates' Court. There is a LA Code of Conduct that governs the issue of Penalty Notices and both Penalty Notices and prosecution action is covered in the EWS Enforcement Policy which is reviewed by the LA Strategy Group.

The documentation for all legal intervention work in respect of non-school attendance is prepared by the EWS and cases are presented in the Magistrates' Court on behalf of the LA by a member of the EWS Management Team.

The EWS is a support service for schools and seeks to assist them in addressing pupil attendance and welfare related matters. The EWS fulfils the LA statutory duties in respect of pupil attendance enforcement. The work consists of two main elements: individual casework and whole school improvement. Advice and guidance is provided on individual school absence monitoring and practice, in order to address pupil absence at a whole school level.

#### **4. The Structure of the Education Welfare Service**

The Service is led and managed by a Principal Education Welfare Officer (PEWO) who has overall responsibility for strategic and operational issues. Assistant Principal EWOs (Team Managers) are responsible for the day-to-day operational management of the Service; they each supervise and manage a team of EWOs. Each EWO has a group of schools assigned to them, to whom they provide a pupil attendance support service and guidance in respect of absence procedures. Most EWOs are school based or are based within Integrated Service Centres/Children's Centres and all work within multi-disciplinary locality based teams.

Specialist duties carried out by the mainstream EWOs include acting as supervising officers for Education Supervision Orders (ESOs; see p17), managing child employment regulations and performance licensing (including the licensing of chaperones), responding to referrals for 'children in care', home educated pupils and children who are missing from education.

**The administrative base for the Service is at Collegiate House, College Street, Leicester, LE2 0JX, and can be contacted on telephone no. (0116) 221 1260.**

#### **5. Allocation of EWS Resources to Schools**

Resources are allocated according to a formula, which has been determined by the LA Pupil Attendance Strategy Group. The current formula reflects both the number of pupils on roll linked to the level of unauthorised absence and the number of



pupils who are deemed to be persistent absentees. In addition, a base level of entitlement is provided to all schools, together with further additional support where there are specific identified needs. Schools are advised each academic year of their annual EWS hours allocation.

Each school has a designated EWO(s) and a pattern of regular visiting is agreed with the attendance leader at each school at the start of the academic year. This will either be weekly, fortnightly, three-weekly, monthly or half-termly dependent on the needs of the school. Once every half term, there will be an analysis of the school's absence data which will lead to an agreed action plan for the following half term.

The EWS reviews the pupil absence status of each school at the end of each academic year, based upon attendance data collected. This is analysed in conjunction with:

- (a) the previous year's figures for absence and PA;
- (b) the school's targets for absence and PA
- (c) the overall attendance target the LA is aiming to achieve for the particular phase (i.e. primary or secondary) for that academic year and
- (d) the national banded levels of attendance as per the latest Ofsted inspection guidance

This results in a banding being determined for each school (red, amber or green) in respect of attendance levels: attendance that would lead to an above average or high Ofsted judgement is rated as **green**; an average judgement is rated as **amber** and a low judgement is rated as **red**. This banding enables quick identification of where additional support may be required.

## **6. EWS Intervention and Support to Schools**

It needs to be fully recognised that there are many reasons for non-attendance, some of which are highly complex and an easy solution may not be possible. Non-attendance can be an early sign of other problems within a family. In undertaking their work, EWOs also have a welfare and safeguarding role that complements and enhances their attendance role.

The EWO cannot work effectively in improving a pupil's attendance without support from the school. The EWO needs to be seen as an extension to the school team and a resource that supports school strategies for dealing with attendance issues.

The EWS has developed a rigorous system of attendance monitoring, which centres around regular **Pastoral Referral Meetings** (PRMs) which are held with each school. The focus of these is a review of the 'threshold' lists of attendance, whereby any pupil whose attendance level is below 95% in primary schools and 90% in secondary schools, should be discussed. Concerns will be highlighted at an early stage, thus enabling appropriate intervention action to be identified and implemented without undue delay.

The EWS aims to undertake more early intervention and preventative work as part of a structured response to non-school attendance, which builds directly on the action(s) already taken by the school. This should hopefully address many problems before they become too entrenched and avoid the need for long-term EWS intervention. Cases can always be referred with lower levels of attendance (than those stated above) where there are particular indicators which call for earlier intervention. The EWS will however need some absence to be unauthorised to become involved.

Clear evidence exists which shows that extensive delays in referring cases to the EWS inhibits its ability to effectively address the concerns and, as a result, risks problems becoming deep-rooted and extremely difficult to turn around, even with the use of court action. The EWS aims to work more closely with schools experiencing significant attendance problems, helping to develop their attendance monitoring systems and strategies in order for them to be more effective, whilst at the same time also developing their own capacity to manage without extensive EWS intervention.

A **half-termly analysis of each school's absence data** is undertaken by the EWO in conjunction with the school's attendance leader. This focuses on whole school absence data and in particular the breakdown of the various categorisations of absence, enabling necessary action to be identified and an action plan agreed for the following half term. By addressing such whole school absence issues, attendance levels should increase and the need for intensive individual casework should be reduced.

Unless there is no identified need, an annual **Service Provision Review Meeting** is also held towards the end of each academic year to review school absence monitoring systems, the support role of the EWS and other relevant agencies, progress made towards meeting the school's annual absence target and issues arising from the half-termly attendance action plans. An attendance action plan for the next academic year is agreed, along with an absence and PA target for the year after.

## **7. Supervision of Education Welfare Officers**

All EWOs have a structured supervision session with their line manager (Assistant Principal EWO) on a 4 - 5 school week cycle. At these meetings there is a review of all 'managed' cases. A 'managed' case is one which is jointly managed by the EWO and their supervising officer; any case which requires the involvement of legal procedures must be made 'managed' before such procedures can commence. The decision whether or not to request that a case be made 'managed' is primarily with the EWO but as a general principal, any child for whom a School Attendance Panel had been held would become a managed case.

In an attempt to further monitor and support practice, EWOs also have the opportunity to review with their supervising officer any case with attendance below 80% where the case is not already a 'managed' case. This is to provide a safety mechanism to ensure it is not possible for a pupil with serious attendance concerns

to be overlooked. (The pupil attendance levels are established from the threshold lists provided at the pastoral referral meetings).

EWO supervision also provides the opportunity to review the whole school data and action plans arising from the half-termly absence monitoring meetings for each of the EWO's schools.

## **8. Level of Service Response Schools can Expect from EWS**

The EWO will, in conjunction with the school attendance leader, determine how the allocated time is utilised, including the frequency and duration of Pastoral Referral Meetings (PRMs).

The EWO will attend PRMs in school at the appointed time. Where this is not possible due to illness or other special circumstances, the officer will attempt to re-schedule the meeting time. In the event of long-term sickness, the EWS will aim to provide cover after one week of absence, to the extent it is able within current resources.

## **9. The Role and Responsibilities of Schools Concerning the Registration and Attendance of Pupils**

All maintained schools are required to keep -

- (a) an admission register; and
- (b) an attendance register.

The requirements which school must follow are contained within The Education (Pupil Registration) (England) Regulations 2006, which came into force on 1st September 2006.

The **admission register** should include details of all pupils from the allocated or agreed start date at the school; it is from that date a pupil is deemed to be a registered pupil at the school. The EWS has worked with EDISS to produce worked examples of the appropriate enrolment status and attendance/absence codes to use when pupils are placed on roll but where they then do not then start as expected. This can typically occur at any of the transitions stages. If the school is unsure after looking at the guidance, the relevant EWO should be contacted for advice about what to record as the enrolment status and which absence code should be used depending on which of the various scenarios is relevant. (The full worked examples document is available from EDISS.)

The only grounds for deleting a pupil's name from the admission register are stated in the regulations and should be strictly adhered to.

These are summarised as follows:

- a pupil registered at a school as part of a School Attendance Order has now had another school stated in that order, or the order is now revoked and the pupil is receiving education otherwise than at school;
- the pupil is now registered at another school, though not part of a dual registration arrangement;
- a pupil who is registered at more than one school has ceased to attend the school and any other school at which the pupil is registered has given consent to the deletion;
- the pupil has ceased attending and the school has received written notification from the parent of the pupil that they are now receiving education otherwise than at school;
- the pupil has ceased attending and no longer resides at an address which is within reasonable distance from the school;
- the pupil has failed to return from an authorised extended holiday (exceeding 10 school days) after 10 school days of the agreed date; there are no reasonable grounds to believe the pupil is unable to attend due to sickness or unavoidable cause; and the school and LA have failed, after reasonable enquiry, to locate the pupil;
- the pupil is certified by a school medical officer as unlikely to be in a fit state of health to attend school before ceasing to be of compulsory school age;
- the pupil has been continuously absent for a period of not less than 20 school days, at no time during which was the absence authorised by the school; there are no reasonable grounds to believe the pupil is unable to attend; and both the school and the LA have failed, after reasonable enquiry, to locate the pupil;
- the pupil is detained in pursuance of a final order, of not less than four months, made by a court;
- the pupil has died;
- the pupil is over compulsory school age and does not wish to remain in attendance;
- the pupil has been permanently excluded;
- a pupil admitted to receive nursery education has not transferred up from the nursery provision to the reception class.

Where the name of a pupil is deleted from the admission register, the school must update their SIMs records, which in turn automatically notifies the LA data team of the removal from roll. Special schools must seek the authorisation of the LA before deleting any pupil, except when the pupil has died or been permanently excluded.

The **attendance register** must be taken twice per day, once at the start of the morning session and at some point during the afternoon session; the timing of the afternoon registration is for each school to determine. Whilst the precise time for the register to remain open is not stated, the then DCSF indicated that a period of 30 minutes from the beginning of registration to the formal closing of the register is reasonable, though schools are of course free to set shorter periods if they wish.

When taking the attendance register, schools are required to note the presence or absence of every pupil whose name appears on the attendance register. The Education (Pupil Registration) (England) Regulations 2006, s.6 (1) (b), requires schools to classify the absence of any pupil of compulsory school age as being authorised or unauthorised.

A child is deemed as being of compulsory school age at the beginning of the term following their fifth birthday, until the last Friday in June of the school year in which they attain the age of sixteen (s. 52 Education Act 1997 and s. 8 Education Act 1996).

It should be noted that it is the school and not the parent(s)/carer(s) who determine whether or not the absence is authorised.

Where the school has reason to doubt the validity of an explanation offered for a particular absence, further information should be requested from the child's parent(s)/carer(s). Where the school consider such requests could damage the relationship between themselves and the parent(s)/carer(s), or where the school is uncertain whether or not to accept a parental explanation provided, then the best course of action may be to leave the absence uncoded (ie not to authorise it) and the matter should be referred to the EWS for them to undertake a welfare assessment on behalf of the school. Once the assessment has been undertaken, the Service will report back to the school with its recommendation on how the absences should be categorised.

Note: If the recommendation was for the absences to be unauthorised, yet the school nevertheless elected to authorise them, there would not be a continuing role for EWS intervention, though of course a further referral could be made if the situation changed or fresh concerns arose.

If the concern related to the authenticity of absence attributed to illness, then the EWS may seek medical confirmation of the illness. Where necessary, arrangements would be made for the pupil to be referred to the Children's Hospital School (CHS) for medical outreach provision or provision within the CHS. Education must be provided by the 15<sup>th</sup> day of absence from school due to a genuine continuing medical condition for which there is medical evidence.

**The absence should be treated as authorised if:**

(a) The pupil has been granted leave of absence in accordance with regulation 7, Education (Pupil Registration) (England) Regulations 2006.

This can only be granted by a person authorised by the proprietor of the school; in the case of a family holiday, save in exceptional circumstances, it should not exceed 10 school days per academic year.

(b) The pupil is unable to attend due to:

- i) sickness or unavoidable cause;
- ii) religious observance; or
- iii) the school is not within walking distance of the pupil's home and the LA has not provided transport or enabled a place at a nearer school.

Walking distance to school is defined as being under 2 miles for a child under age 8 and under 3 miles for a child aged 8 and over. If a parent opts by way of parental preference to send their child to a school over the walking distances despite being offered a place at school within walking distance, they are not usually entitled to transport. However, children from low income families have additional entitlements (ie children entitled to FSM and/or parents are in receipt of the maximum level of Working Tax Credits). These children are entitled to transport as follows irrespective of parental preference:

- aged 8 – 11 where the school is 2 miles or more from the home

- secondary pupils – parents are entitled to choose one of the three nearest available schools and if this is in excess of two miles but does not exceed six from the home address, transport will be authorised ie for parents who make an application for a place or, for pupils on a managed move in which there is LA involvement.

Further information on the entitlement to transport is available in the LA's School Admissions booklets.

When marking attendance registers, in addition to categorising pupils as being present, authorised absent or unauthorised absent, the Regulations permit certain activities to be coded as '**approved educational activity**'. This covers the following supervised activities, undertaken off-site but with the approval and monitoring of the school:

- work experience;
- field trips and educational visits, in this country and overseas;
- sporting activities;
- link courses at FE colleges;

The key features of approved educational activities are that they are educational and directly linked to the school's programme, approved by an authorised representative of the school such as a teacher and supervised either by school staff or someone authorised by the school; such absence counts as a present mark for registration analysis purposes.

From September 2011, the attendance register of a pupil who is attending another school as part of a **dual registration arrangement**, (ie on roll at their main school and the PRU/Children's Hospital School/a special school) will be coded differently due to a change in the use and statistical meaning of the attendance code D (dual registration): each school will only mark attendance and absences for the sessions the pupil is required to attend their school, with the D code being used to mark all of the sessions where the pupil is due to attend the other school. The D code will not be counted in the school census. **There may be a small number of unusual cases which do not necessarily follow the above where the two schools need to agree which school records the D code and which any absence for specific sessions eg where a pupil is not attending their SBSS provision or where due to a pupil's health issue, fewer than 10 sessions of provision are available for a limited period.**

Whilst an absence at the 'other' school will no longer count as an absence in the main school's attendance figures (and will effectively be disregarded), that school remains responsible for the pupil as before. Clear systems of liaison should continue to ensure that absences or any other difficulties are addressed and there should be clear agreement about which school should follow up any absences. To aid this process, in relation to absence, the PRUs will refer directly to the main school's EWO with information also being shared with the main school.

**The enrolment status of dual registered pupils should be recorded as follows:**

Enrolment status in main school:	'Main – Dual Registration'
Enrolment status in subsidiary school:	'Subsidiary – Dual Registration'

The guidelines for recording the **pupil enrolment status and the attendance of Diploma pupils and pupils on managed moves** differs from the above: these pupils should be treated as guest pupils. The enrolment status should be recorded as follows:

Enrolment Status in main school: 'Current Single Registration'  
Enrolment Status in managed move school: 'Guest Pupil'

Guest pupil status enables schools to enter the details of the pupils on their system to enable them to be timetabled and to provide emergency contact information. When a managed move is successful and there is agreement to take the pupil on a permanent basis, the 'guest' school should change the enrolment status to 'current single registration' to coincide with the date of the pupil being removed from their original school's roll. Morning and afternoon registration cannot be recorded for a guest pupil in the normal way on the system in the 'guest' school: the boxes are greyed out. Lesson attendance should be recorded on lesson monitor (or similar) if the school has this or manually if not.

The 'guest' school and the main school must liaise over attendance. The main school keeps the official register recording the AM/PM session attendance: sessions should be coded with a 'B' when the pupil has attended and with the appropriate absence code when the pupil is absent. The main school return all the data to DfE as part of the School Census return. The pupils do not feature in the return of the 'guest' school. (The Leicester City Behaviour and Attendance Partnership "PROTOCOL FOR "SUPPORTED MANAGED MOVES" provides full details of the protocol regarding managed moves.)

#### **Use of the 'Y' code:**

The Y code has a statistical meaning of 'not counted in possible attendances'. It is used to record sessions of enforced closure. Relevant situations include where official school transport has failed, where inclement weather has caused widespread travel disruption (including where flights have been affected by volcanic ash clouds) and where all or part of a school is closed due to a failure of the heating system etc. It can be used for individual pupils, for groups of pupils and for the whole school. This code is now counted in census returns and will be reported in National Statistics data.

#### **Preservation of Registers:**

Every entry in an admission or attendance register shall be preserved for a period of three years after the date on which the entry was made. Such registers can be either manuscript or computerised; in the case of computerised attendance registers, a minimum monthly printout of the register is required unless a computerised backup is made not less than once a month (Regulations 14 & 15, Education (Pupil Registration) (England) Regulations 2006).

Computerised registers must be made in accordance with the Data Protection Act 1998 chapter 29.

## **Inspection of Registers:**

The admission and attendance registers of every school must be available for inspection during school hours by H.M. Inspectors of Schools, inspectors appointed under s.1 (2) Education Act 2005, any additional inspector assisting the Chief Inspector in accordance with paragraph 2 (1) and, in the case of an LA maintained school, any officer of the LA authorised for that purpose (e.g. EWOs and auditors) (Regulation 10, Education (Pupil Registration) (England) Regulations 2006).

## **Notification of Pupil Absence:**

Schools are required to notify the LA of the name and address of every registered pupil of compulsory school age who fails to attend school regularly, or has been absent from school for a continuous period of not less than 10 school days, where this absence is not covered by a medical certificate, or is not due to leave of absence granted in accordance with Regulation 7, Education (Pupil Registration) (England) Regulations 2006, or is not due to attendance at an Approved Education Activity.

This notification will be via contact with the EWS, with referrals completed where intervention/support is required. Schools may refer either on a paper referral form, or by using the EWS referral report in SIMS. This should be securely shared with the EWO via Anycomms+.

**Schools should ensure that all staff are aware of the legal requirements regarding pupil attendance and registration**, and that there is a common approach throughout the school concerning the marking of registers and responding to pupil absence. This will include monitoring systems that identify, at an early stage, pupils with poor or irregular patterns of attendance and/or punctuality.

**For further guidance on the treatment and classification of absence refer to the following DfE guidance (available at the time guidance published):**

- Absence and Attendance Codes: Guidance for Schools and LAs (January 2009)
- Keeping Pupil Registers – Guidance on applying the Education Pupil Registration Regulations (June 2008) (Schools are advised to download a copy of this guidance as it is likely to be replaced with less detailed guidance.)

(For a list of Absence and Attendance Codes see Appendix J).



## **10. School Based Strategies to Address Non-attendance**

Parents/carers and pupils need to be made aware from day one of the importance of regular and punctual attendance; the message needs to be reinforced regularly. Schools should have an attendance policy that clearly sets out its expectations of parents/carers and pupils regarding attendance, punctuality and the notification of pupil absence. This should be made known to all staff and parents/carers. Key elements of this policy can be stated in the school's prospectus, regular newsletters and in any parental guides on pupil attendance. A School Attendance Policy template and a Leave/Holiday Policy template are available from the EWS and also, via the Attendance area of the Schools Extranet.

There is much that school staff can, and should, do before involving EWOs in an attendance case. Each school should have an identified 'attendance leader' with overall responsibility for pupil absence across the whole school and in addition to this, it is helpful to have a Governor nominated to lead on attendance. There should be a clear escalation process for dealing with pupil absence, which clearly outlines individual staff action and responsibility, such as:

- action by the class or form tutor as part of their day-to-day duties;
- involvement of others within the school (e.g. head of year, headteacher);
- contact with parents/carers (e.g. by telephone, letter or by inviting them into the school)

First day absence contact by school with the parents/carers of all pupils who are absent from school, where the reason for their absence is not known, is viewed as the single most effective short-term strategy towards tackling pupil absence from school and as such is strongly recommended by Government on both attendance promotion and child protection grounds.

Appropriate support for pupils in school is of vital importance; irregular attendance may be one obvious indicator of disaffection. Study support, mentoring schemes and good quality careers education and guidance can significantly raise the aspirations of young people. Adaptations to the curriculum within the framework of the National Curriculum, such as wider use of work-related learning can be particularly beneficial for engaging certain young people in learning who were previously disaffected and/or struggling to cope; it also usually results in increased motivation and a raised level of self esteem. (See 'Personal Programmes' section on page 30 for further information). Where appropriate, the CAF process should be followed. See the LSCB's working in partnership to keep children safe guidance: *'Meeting the Needs of Children and Families in Leicester – Guidance on thresholds for children's and families' in Leicester City*. This guidance is available on the LSCB's website via the Information for Practitioners area: <http://www.lcitylscb.org/>.

The EWO can undertake joint work with the school such as running attendance campaigns (e.g. 'Cool Cats'), group work with pupils, organising displays, attending governors' meetings, staff meetings and parents' evenings.

## **Good Practice Expectations of Schools:**

### School Policies:

- Attendance policy is included within school prospectus and ongoing communications. All pupils and parents/carers given information on expectations regarding attendance and impact of poor attendance; Regular updates/reminders. NB There is a LA school attendance policy template available for schools to adapt in the EWS area of the Extranet.
- Governor with lead on attendance
- School policy on holidays and extended leave agreed with Governors – staff, pupils and parents/carers aware of policies and request forms; No agreement given to unauthorised holidays (i.e. granting 2 weeks authorised, 2 weeks unauthorised); Penalty Notices used when parents/carers fail to comply with school policy resulting in unauthorised absence. NB There is a LA school holiday/leave of absence policy template available for schools to adapt in the EWS area of the Extranet.
- Consistent approach with link schools
- Designated Senior Staff responsible for attendance
- Regular and protected time designated to EWO by appropriate staff
- Staff released to engage in network meetings to inform practice
- Positive and welcoming approach to parents/carers
- School approach to diet (free fruit, no sweets or crisps or fizzy drinks) and fitness; Lunchtime activities
- Use of Breakfast Clubs and Nurture Groups

### Registration:

- Registration procedure exists that is clear to both staff and pupils and actively monitored by senior managers
- Late registration procedure that ensures that every pupil who is late is identified and that there are consequences where appropriate
- Senior managers take action where there are problems with registers/late registration
- System of ensuring pupils remain on site unless it is agreed that they go home for lunch – consequences where rules are broken
- Lesson registration and reliable system of identifying and addressing post registration truancy
- Booking out system that is known to all pupils, staff and parents
- Procedure for receiving pupils returned by truancy sweeps

### Pupil and Parent/Carer Awareness of Attendance:

- All pupils aware of their own attendance on a weekly basis – red/amber/green system, and targets they need to achieve
- All unexplained absence is followed up – automated system/first day calling, informal meetings with parents
- For ongoing concerns – early implementation of system of phone calls and letters home, including letter advising parent that regular or prolonged absence will no longer be authorised without independent medical evidence (appointment cards/medication with prescription label and if necessary, a report from the Community Paediatrician regarding fitness for school)

- Health guidance on common conditions and advised periods of absence should be referred to as necessary. (This advice was been shared with all schools in 2011.)
- Practical steps taken to help pupils catch up when they have missed school; Mentoring available; Links with appropriate outside agencies
- Rewards and incentives for individual pupils, form groups etc; Use of external bodies to provide rewards e.g. Tigers Rugby Club.
- Use of display boards in areas parents/carers routinely go, with feedback on attendance; Newsletters; Attendance assemblies

Data:

- Prompt and accurate coding of 'N's, attendance at alternative provision, interviews, work experience etc and missing marks; Appropriate use of codes including the 'U' code
- Analysis of attendance data to inform practice in areas of SEN, use of alternative providers etc
- Analysis of reasons for absence (Half-termly absence monitoring) and appropriate actions implemented to address identified issues
- Completion of the Audit Tool for Registration Inspection – a self evaluation of the attendance systems in school – this tool is available on the EWS area of the Schools Extranet.  
<http://www.education.gov.uk/schools/pupilsupport/behaviour/attendance/schoolattendance/a0010008/pupil-registration-regulations-and-guidance>
- Vulnerable Pupils SIMs report (available from EDISS)

Leavers/New Arrivals at school (including transition phases):

- Reliable systems for gathering attendance data for new pupils particularly at transfer stage; Early implementation of school procedures to encourage good attendance particularly where there were previous concerns
- Targeting groups of pupils who have a history of poor attendance/PA
- Attendance data provided to new school before the pupils move at transition phase to allow for forward planning
- Completion of all the information in the Common Transfer File (CTF), including attendance data, and promptly submitted.

## **11. EWS Pastoral Referral Meetings (PRMs) with Schools**

The bulk of referrals will arise via the PRM. At these meetings, the cases of all pupils presenting attendance and/or other welfare related concerns should be discussed and decisions made about appropriate intervention.

Where the involvement of the EWS is required, a **referral form** (see Appendix D) should be completed, stating the precise nature of the concern, what action the school has already taken and any issues to be aware of, and providing details of the pupil's attendance record; such referrals are usually based on unauthorised absence. Where there is some doubt over the categorisation of the absence and/or there are concerns of a welfare nature, referrals can still be made in order that an assessment is undertaken. (The absence should not be coded pending the outcome of the EWS assessment).

### Arrangements with Secondary Schools:

All secondary schools will receive at least one fortnightly visit from their designated EWO for the purpose of attending the various pastoral referral meetings. These meetings are usually with each of the year co-ordinators, key stage co-ordinators, or a single person with overall responsibility for pastoral matters. The precise arrangements for the time and length of meetings are for the school and the EWO to determine.

### Arrangements with Primary Schools and Special Schools:

All primary and special schools will receive at least one pastoral referral meeting with their designated EWO every half term; these meetings usually take place with the headteacher but may take place with a nominated person who leads on attendance and who has the authority to make decisions where necessary. Schools with more significant attendance concerns have pastoral referral meetings on a more frequent basis (i.e. fortnightly, three-weekly or monthly).

PRMs are structured around a review of a threshold list of pupil attendance percentages for the academic year to date. These lists are produced by the school for each meeting and the threshold level is set at 95% and below for all primary schools and 90% and below at the secondary schools, although these levels can be raised if appropriate. All pupils who appear on the list are discussed and where necessary, appropriate intervention action is identified. It is also generally appropriate to identify the specific level of unauthorised absence for each of these pupils who have fallen below the threshold. (These reviews constitute the LA's inspection of registers).

In addition to discussing individual pupil attendance concerns and determining appropriate action, the meetings will provide a regular opportunity to review the whole school attendance data. This has the purpose of comparing actual performance with any targets set, observing trends, identifying concerns and where necessary, determining and implementing strategies to address these concerns. This is intended to support and monitor attendance arrangements and examine where existing practice can be enhanced. The full use of absence data is strongly encouraged.

## **12. EWS Action following Referral from School**

On receipt of an appropriate referral on a properly completed referral form (see Appendix D), the EWO will arrange to undertake a full investigation of the situation. Initial EWS intervention will usually take the form of inviting parent(s)/carer(s) to attend a **School Attendance Panel Meeting** (SAPM) at the school. This is a joint EWS/school meeting with the family. The school member of staff present would respond to any school based concerns that are raised. Representatives from other agencies, where it is already known they have a relevant contribution to make, would also be invited to the meeting.

The meeting is usually chaired by the EWO, who will take detailed notes of the meeting, recording issues arising and actions agreed. These notes would form part of the evidence in any subsequent legal action.

The purpose of the meeting is to provide an opportunity to identify the real reasons for absence and implement appropriate strategies that will address the problem, based on a full evaluation of the circumstances. The school may also use the meeting to commence completion of a Common Assessment Framework (CAF) form. Parents/carers are also informed of their legal responsibilities for ensuring their child's attendance. At each meeting an agreement is drawn up based upon the full assessment of the situation. This agreement constitutes a 'parenting contract' and clearly identifies each party's responsibilities for resolving the presenting problem.

Where a referral relates to either a first referral for a primary age child, or there are child protection concerns (e.g. the child has not been seen in school for some time), then usually a **home visit** by appointment will be arranged to see the young person and their parent(s)/carer(s), as opposed to inviting the parent(s)/carer(s) to attend a School Attendance Panel meeting. Other home visits would be undertaken where there is a clear purpose identified at the School Attendance Panel Meeting or PRM.

Regular oral and written feedback is given to the school. Further consultation takes place to determine future action where the initial intervention is unsuccessful, or where school involvement is required in formulating the action plan from the outset. Thereafter the situation is regularly monitored and evaluated in conjunction with the school, with further intervention action taken as necessary.

Work by the EWS is taken without undue delay, with a view to resolving the concern and securing a successful and sustained return to school as soon as possible; other agencies are involved where appropriate. Contact with families is undertaken in a sensitive and supportive way, with the best interests and welfare of the child as paramount, yet at the same time with full regard to the requirements of the law.

For pupils of secondary age, where there is irregular attendance and absence is unauthorised, and where no other professional has contact with the child to support and encourage them (ie they are not attending school), the EWO will seek to engage with them to try to bring about a positive change to attendance and also, engagement with any other services that are found to be appropriate. If the parent is not cooperating, a common assessment will be discussed and offered to the child as long as they are deemed to be competent and to have the capacity to understand and to make their own decisions about what they are being asked, the implications of what they are agreeing to etc. Children aged **12** or over may generally be expected to have sufficient understanding.

Where the parental actions agreed at the School Attendance Panel Meeting are not complied with and unauthorised absence continues, legal intervention may be instigated against the parent(s)/carer(s). This could take the form of a **Penalty Notice** being issued to each parent/carers for their child's ongoing unauthorised absence, where there has been 20 sessions of unauthorised absence in a 120 session period (12 school weeks). The Penalty Notice consists of a fine of £50 if paid within 28 days, increasing to £100 if paid after this but within 42 days. NB Whilst there is no right of appeal against a Penalty Notice, where parents/carers challenge the Penalty Notice with the EWS, there will inevitably be some cases where the parent/s or the EWO will need to approach the school requesting that they reconsider the decision to unauthorise the absence as would be the case

where the parent had some new evidence of real significance which could lead to the school authorising the absence.

If the Penalty Notice remained unpaid, or if it were decided that court action would better achieve the desired outcome (i.e. due to there being a previous court case, the aggravated offence being required, a Parenting Order being required or, due to an assessment of the case leading to the decision that a PN would probably have no impact), then the parent(s)/carer(s) could be required to attend a **Formal Caution Interview (FCI)**, held in accordance with the Police and Criminal Evidence Act (PACE) 1984. This meeting is usually held at Collegiate House and chaired by the EWO's supervising officer. The purpose of the FCI is to further investigate the circumstances of the unauthorised absence: where no further investigation is required, an FCI will not be held.

If, following the FCI, unauthorised absence continues and the case satisfies both the 'evidential test' and the 'public interest' test for taking a prosecution, then **legal proceedings** would be instigated. (If no FCI is held, after appropriate intervention which will usually include a SAPM, either a Penalty Notice or a prosecution may ensue in line with the Enforcement Policy and the Penalty Notice Code of Conduct.)

Where a CAF process is ongoing at the point of referral, or where a CAF process is started as a result of unmet needs identified during the school's/ EWO's or other professionals work with a parent/carer and/or young person, the legal processes to tackle any unauthorised absence continue as appropriate.

### **13. The Legal Process**

Legal action will be taken where it is deemed the appropriate action to secure a young person's return to education. Whether to prosecute or issue a penalty notice, and the precise point at which to initiate such action, are matters for the judgement of EWS managers in the light of the particular circumstances and the history of the case; only the LA can bring such prosecutions and it is the EWS who undertake this work. Preparation of all cases is undertaken by the EWS. Cases are presented in either the Magistrates' Court (prosecution of parents/carers), or the Family Proceedings Court (Education Supervision Orders).

Prosecutions under s. 444 Education Act 1996 for non-school attendance:

Such prosecutions are criminal offences and are heard in the Magistrates' Court.

#### **Section 444(1) states:**

If a child of compulsory school age who is a registered pupil at school fails to attend regularly at school, his (her) parent is guilty of an offence.

#### **Section 444 (3) states:**

The child shall not be taken to have failed to attend regularly at school by reason of his (her) absence from the school -

(a) with leave,

(b) at any time he (she) was prevented from attending by reason of sickness or any unavoidable cause, or

(c) on any day exclusively set apart for religious observance by the religious body to which his (her) parents belongs.

Also if the distance to the nearest appropriate school from the child's home is over the statutory walking distance and the LA has not provided transport, this will constitute a legal defence.

It is the above circumstances that constitute authorised absence from school.

The document used to prove the offence is the Attendance Certificate signed by the headteacher; the information to complete this is taken from the attendance register. In the case of a dual registered pupil, it will be necessary to obtain a signed Attendance Certificate from both schools unless the dual registered pupil's timetable is such that they have been expected to attend one school only during the period in question.

The Attendance Certificate will be supported by a witness statement prepared by the EWO, detailing their involvement in the case; the period of prosecution cannot exceed 6 months, including witness statement/s preparation time and the laying of the Information at the Court. Whilst school staff are unlikely to be required to be called as witnesses to give evidence this does occur in a small number of cases in relation to key contact that took place between the parent/carer and the school staff and/or in relation to the attendance register which is a legal document that could be called for as evidence in prosecution cases. NB inappropriate authorisation of absences may compromise subsequent court proceedings.

The stages which the EWS applies prior to bringing a case to court are not a strict legal requirement, but are regarded as good practice; failure to follow them would quite likely lead to weak cases, which could be easily dismissed in mitigation by the defence.

If a parent/carer is found guilty of the offence under s.444 (1), the maximum penalty is a fine of £1,000.

The Criminal Justice and Court Services Act 2000 introduced the more serious '**aggravated**' offence for failing to ensure regular school attendance by adding section 444 (1) (A) to the Education Act 1996.

If, in addition to the requirements of s.444 (1), it can be demonstrated that the parent/carer knows their child is failing to attend school regularly and fails without reasonable justification to cause them to do so, they are guilty of the 'aggravated offence'. This increases the maximum penalty to a fine of up to £2,500, a community penalty or 3 months' imprisonment.

Whenever prosecution action is instigated, the EWS prepares a report for the court recommending whether or not a **Parenting Order** should also be granted. These orders arise from s.8 Crime and Disorder Act 1998. If such an order is granted, the parent is required to attend a parenting course (counselling/guidance sessions) and comply with any direction made, such as escorting a child to school each day.

Breach of the order can result in further prosecution. The order can last up to 12 months.

Prior to taking such prosecution action, the Service is already required by s.447 Education Act 1996 to consider if it should instead of or as well, be applying for an **Education Supervision Order** under s.36 Children Act 1989.

Applications for Education Supervision Orders are made in the Family Proceedings Court and are not criminal proceedings. The effect of obtaining such an order is that a supervising officer is appointed, who must then advise, assist and befriend the child and their parent(s)/carer(s), and give directions where necessary, to ensure the child is properly educated. Such an order initially lasts for 12 months, but can be extended for up to 3 years. The order ceases to have effect once the child has reached compulsory school-leaving age and cannot apply if a child is subject to a care order.

Ultimately, if the directions are not complied with and this is due to the child's non-compliance, the matter can be referred to Social Services for them to undertake an enquiry of the child's circumstances as required by s.47 Children Act 1989. If it is the parent(s)/carer(s) who are not complying, then the matter is brought before the Magistrates' Court and they may be found guilty of an offence (similar in effect to a s.444 prosecution).

#### Prosecutions under s. 437- 443 Education Act 1996 - School Attendance Order

**School Attendance Orders** (SAOs) are served on a parent/carer whose child is of compulsory school age, but is not registered at any school and the parent has failed to prove that the child is receiving a suitable education otherwise than at school, as is allowed under s.7 Education Act 1996.

Such orders, by their nature, do not really involve schools in any significant way; other than a school would have to be consulted and then named in the order as the school to which the child is directed to attend. Failure of parents/carers to comply with such an order is a criminal offence and such cases are heard in the Magistrates' Court; the possible disposal is similar to a s.444 prosecution.

A flowchart of the legal work process followed by the EWS is available at Appendix K.

## **14. Other Specific Areas of Guidance**

### **(a) Missing Children and Children Not Receiving Education (CNRE)**

Section 175 of the Education Act 2002 places a duty on schools to safeguard and promote the welfare of all their pupils. Section 11 of the Children's Act 2004 places a similar duty on Children's Services and other statutory agencies who work with children and young people.



The Education and Inspections Act 2006 adds section 436A to the Education Act 1996 which now requires all Local Authorities to make arrangements to enable them to establish (so far as it is possible to do so) the identities of children residing in their area who are not receiving a suitable education.

In order to minimise the danger of children going missing within the system, **whenever a pupil who is due to commence attendance at the school fails to arrive, the matter should be reported to the school's designated EWO**, who will arrange for the matter to be investigated. NB A pupil who has been allocated a place at a school **must** be placed on roll by the agreed or notified start date. When a within year allocation is made, the LA has agreed that the pupil should be placed on the relevant school roll by the 10<sup>th</sup> day after being notified that the place has been allocated.

**Whenever a pupil is thought to be transferring to another school**, it must not be assumed that they have commenced attendance at the new school. Where distance permits, pupils must continue to attend the original school up to the school day prior to their start at the new school. In these cases, prior to removal from roll, confirmation should first be obtained from the receiving school they have been placed on the school roll. Once such confirmation has been received, then they may be safely removed from the school roll and the pupil's records sent to the new school. NB Where a school has evidence that a pupil has moved to another address which is too far from the school for the pupil to continue to attend (and they have stopped attending), they may be removed from roll (in accordance with the Education (Pupil Registration) (England) Regulations 2006 (S8(e)) but, if they do not quickly go on roll at a new school, they **must** be referred to the original school's EWO for further investigation.

**If there are any concerns about a school transfer including a child failing to start at the known new location or, where the school does not know the details of where the child has gone, then the matter should be reported to the designated EWO.** Schools do not require LA permission to remove a pupil from roll. However, the EWO will provide guidance regarding when the child may be removed where there is any uncertainty.

**If the school and/or the EWS have reason to believe the child is not safe, they should agree arrangements for informing Duty and Assessment Service, Social Care and Safeguarding. (Such action should automatically take place where the child is known to be on the protection register).**

Action points:

- **Where a child stops attending your school and you have had contact with a new school** confirming their attendance at that school, there is no need to refer to your EWO – you should update SIMs to avoid a referral being triggered to your EWO via the LA 'One' database team.
- **Where a child stops attending your school and is believed to have moved, though you have not had contact with a new school**, you should refer the matter to your EWO within 10 school days. (Note: This should follow the appropriate member of school staff making all reasonable enquiries to locate the pupil and failing to resolve the matter).

- **Where a pupil who is expected to start your school fails to do so** and your enquiries fail to locate them at another school (e.g. call to home/letter home, call to old school), you should refer them to your EWO within 10 school days.
- **Where a child has regular unauthorised absences or has not attended school for over 10 school days and the reason for absence is not known or not acceptable (i.e. unauthorised absence)** – you should refer the matter to your EWO.

For detailed information on Missing Children and Children Not Receiving Education (CNRE), please see the Schools' Extranet.

NB Where a pupil on roll is not being seen in school, a risk assessment should be carried out by the school to inform the decision about the appropriate action that should be taken to ensure the pupil's safety. The *EWS Policy and Practice Guide for Schools on Absent Pupils and Safe and Well Checks* guidance incorporates a risk assessment and comprehensive guidance on this topic. The guidance is available to schools as a hard copy from their EWO and is also available on the Extranet.

### **(b) Holiday/Leave of Absence Requests**

The decision to authorise leave for the purposes of a holiday rests legally with the Headteacher. Regulation 7 (3) Education (Pupil Registration) (England) Regulations 2006 requires parents/carers to make an application in advance to the school. The headteacher should not grant more than 10 school days in any school year, save in exceptional circumstances.

Circumstances where it would generally be appropriate to decline a holiday request:

- Pupil has unauthorised absence during last 12 months
- Pupil's attendance level is below 95% over the previous 12 months (The precise figure needs to be determined by the individual school governing body and many schools refuse requests unless exceptional circumstances apply)
- Pupil has already had a holiday in the last 12 months
- Holiday impacts on Key Stage tests
- Pupil is taken on holiday and the school procedure has not been followed in terms of requesting a holiday

It is recommended that individual circumstances are always taken into account prior to reaching a decision on whether or not to approve a holiday request. It is also recommended that all school staff are aware of the process and that if a parent/carer approaches them about potential holiday leave, they should refer them to the school procedure and avoid giving any indication to the parent about whether the request is likely to be agreed or not as this can significantly confuse matters.

Whenever a holiday request has been submitted to a school, the headteacher should inform the parent(s)/carer(s) in writing of their decision to approve or decline the request, specifying dates and consequences where appropriate. Where the request has been declined by the school, the headteacher should explain the reason for declining the request, stating that, should the holiday still be taken, any

absences would be unauthorised by the school, and informing the parent(s)/carer(s) that this could result in the EWS issuing a Penalty Notice(s).

Any absences due to an unauthorised holiday should be coded as 'G' (unauthorised absence).

If a holiday is taken without approval, or the holiday is taken for longer than granted, it is recommended that the headteacher requests the EWS to serve a Penalty Notice on each parent in respect of each child involved (see p25).

### **(c) Penalty Notices in Respect of Unauthorised Leave of Absence/Holidays**

These are issued by the EWS on receipt of completed 'PN1' (dated) and 'EWS6 PN' (undated) forms (see Appendices F and G) from the school (per parent, per child). It is important that any supporting documentation such as letters either sent or received by the school in relation to the holiday request are attached. It is both good practice and extremely helpful in court if the school puts in writing to the parent(s)/carer(s) the basis for any decision NOT to agree to some or all of a holiday request.

A Penalty Notice is a fine of £50 per parent/carers per child if paid within 28 days, rising to £100 if paid after then but within 42 days. Where payment is not received after this time, the matter of unauthorised absence will be taken to court. The EWO will inform the school when a Penalty Notice has been issued and keep them updated with any progress.

NB Whilst there is no right of appeal against a Penalty Notice, where parents/carers challenge the Penalty Notice with the EWS, there will inevitably be some cases where the parent/s or the EWO will need to approach the school requesting that they reconsider the decision to unauthorise the absence as would be the case where the parent had some new evidence of real significance which could lead to the school authorising the absence.

(Please see Appendix E for more detailed information).

### **(d) Extended Leave of Absence/ Holidays Abroad**

The power to grant such leave of absence rests with the headteacher. It is recommended that it is made clear to parents that there is no entitlement to just take their child out of school for either this purpose, or any other holiday. Requests for leave of absence should be made to the school well in advance of the planned trip and be arranged so that the absolute minimum time is taken off school, being attached to a school holiday period where possible. The Government have clearly stated the detrimental effects that lengthy periods of absence can cause to a child's educational progress and that such leave of absence should only be granted in exceptional circumstances.

Schools are recommended to deal with these requests in line with other local schools and note the Government view that such holidays should be avoided where possible.

Where such leave is granted, then the absence is authorised up to the date of agreed return. Where there are doubts regarding the validity of the actual time period requested, evidence such as flight tickets should be requested prior to agreeing the leave. The absence should be coded as authorised until the date of agreed return (using code 'F'). It is good practice to arrange, where possible, for a study pack or assignments to be completed whilst away.

If the child fails to return to school on the due date and no satisfactory reason for absence is obtained, then the absence becomes unauthorised, and if after 10 school days there is still no return, and their whereabouts are unknown after reasonable enquiry, the child may be removed from the school roll (Regulation 8 (1) (f) Education (Pupil Registration) (England) Regulations 2006). If the period of unauthorised absence is 10 days or less, provided the child returns, a Penalty Notice can be requested (see above section).

Where a pupil is taken for an extended holiday abroad during term-time without school giving consent, then their absence is unauthorised and if their whereabouts are unknown, after appropriate enquiry, then after 4 weeks they may be removed from school roll (Regulation 8 (1) (h) Education (Pupil Registration) (England) Regulations 2006).

If the parent(s)/carer(s) of a pupil who has been removed from school roll subsequently return and request re-admission, then it will be dependent upon whether or not the school has sufficient places as to whether their request can be met. This risk is something parents/carers should be informed of when considering any such visits abroad.

### **(e) Pregnant Schoolgirls / School Age Parents**

Where a school receives notification that a pupil is pregnant, the matter should be reported to the EWO if there are attendance concerns. The EWO will then contact the young person/family to establish the expected date of confinement and support the pupil to access their education. Regular meetings should be held in school to review the provision and support available. The pupil should continue to access their education at their school, unless they are deemed medically unfit to attend school. In this case, the EWO will inform the Children's Hospital School (CHS) of the situation and the CHS will arrange appropriate educational provision.

A period of no longer than 18 weeks maternity leave (authorised absence, code 'C') can be granted to the pupil, although the pupil should be supported to return to school sooner, once she is deemed medically fit to return, to reduce the impact on her educational studies. The usual procedure is for her to return to her previous school to continue her studies, or to other agreed alternative provision where a return to school is not practicable. Following the reintegration, the young parent should be offered continued support through regular contact and meetings in school, to enable them to take full advantage of their education and fulfil their potential.

#### **(f) Pupils who are Anxious about Attending School (i.e. School Phobic)**

Where a child appears to be anxious about attending school, it may be appropriate to carry out an assessment of any issues relating to school induced anxiety and a programme of work then agreed to support the young person returning to regular school attendance. The EWS undertakes this assessment work in conjunction with the Children's Hospital School, CAMHS, the City Psychology Service and Special Education Services where necessary. All referrals are considered at the Ill Children's Education Panel which meets 2 weekly during term-time.

#### **(g) Pupils who are Medically Unfit to Attend School**

Where a school is informed that a pupil is medically unfit to attend school and the absence will most likely exceed 15 school days, the matter should be referred to the EWS, who will then attempt to obtain medical confirmation that the young person is medically unfit to attend school, where this is not already available. Once medical confirmation is obtained, a referral is made to the Children's Hospital School (CHS) via the Ill Children's Education Panel in order that tuition can be made available to the pupil. The education provision will take place at either the CHS facilities or at the child's home as appropriate. The CHS will liaise directly with the school in order that an appropriate provision can be made.

The school should keep the pupil on their roll throughout the period they are accessing education through the CHS, coding them as accessing education through a dual registration arrangement (dual registration (main) enrolment status and code 'D' in the attendance register) while they are scheduled to attend the provision (irrespective of whether they attend or not). Absences from the CHS should also be coded in the CHS register. Effective communication needs to be maintained with the CHS to enable effective planning for the pupil's return to school, when appropriate.

Where the absence is not expected to exceed 15 school days, other than for very short-term absences, schools are normally expected to provide work to be undertaken at home, subject to the child being well enough to cope with study.

#### **(h) Children in Care**

The EWS has a close working relationship with the RALAC team (Raising the Achievements of Looked After Children), and share their aims to support all children in care to access their educational provision and to achieve their true potential.

The DfE collates statistical data in relation to the percentage of children in care who have 25 days' (50 sessions') or more of absence in an academic year. This is intrinsically linked with the DfE persistent absence work undertaken with targeted schools, and has enabled the EWS to share good practice and guidance with the RALAC team.

The implementation of Attendance Panel Meetings in schools provides a highly effective forum to address non-attendance; therefore it should be considered in relation to children in care whose attendance is a cause for concern. (Where a child is placed with an LA foster carer, there is a parallel Panel process which formalises the concerns.) NB There are more looked after children now placed with their parents or via private foster care agreements and in these cases, parents/carers are liable to prosecution for failure to ensure regular attendance, therefore each case needs to be individually assessed as to whether this would be appropriate.

### **(i) Young Carers**

The EWS works closely with Barnardos CareFree project to support this group of young people in accessing their education, and to enable training to be provided to schools.

### **(j) Time at Which Registers Should be Taken and the Recommended Period They Should be Left Open**

The attendance register must be taken twice per day, once at the start of the morning session and at some point during the afternoon session; the timing of the afternoon registration is for each school to determine. Whilst the precise time for the register to remain open is not stated, the DfE have indicated that a period of 30 minutes from the beginning of registration to the formal closing of the register is reasonable, though schools are of course free to set shorter periods if they wish.

Any pupil who arrives at school after the register has closed without a suitable reason should be coded 'U', which is an unauthorised absence. In this way, intervention can be undertaken by EWS to address consistent lateness, where appropriate. There is one exception to the above: pupils who are in alternative provision who attend but who have arrived late cannot be coded as 'L' in the school register as it would appear that they were on site.

### **(k) Medical / Dental Appointments**

Where a pupil has a medical / dental appointment which results in them missing registration, their absence should be coded as 'M' (authorised absence). Clearly, this will adversely impact on attendance figures and therefore appointments should, where possible, be arranged outside of school hours, or where that is not possible, towards the end of a morning or afternoon session.

(Note: Medical appointments should not ordinarily result in the whole day being missed).

### **(l) Travellers' Children**

Travellers' children can be dually registered at more than one school. The school the child normally attends when not travelling is regarded as the 'base school' (provided the pupil has attended there in the last 18 months) and this school must

keep a place open for traveller pupils whilst they are away travelling. If the child is receiving education at another school during such periods, the guidance on dual registration (page 13) applies. Travellers' children can be deleted from the roll of other schools if they are not currently attending that school (although not for absences due to such as illness). Where the parents have requested leave for travelling purposes and this has been authorised by the school, the register should be marked as authorised absence ('T' code). Travellers' children who are only registered at one school can be deleted from roll in the same way as other such pupils (see page 11).

Section 444 (6) Education Act 1996 states that traveller pupils are required to attend at least 200 out of a possible 380 sessions per school year. A Traveller Pupil tracking form to support schools in their work to maximise pupil attendance is available at Appendix C.

### **(m) Police Power to Remove Truants (s.16 Crime and Disorder Act 1998)**

Under a Police Operational Order, the police have the power to remove truants from the street or other public places; this includes shops etc. that are open to the public. Following the EWS and police working together in 2010, the way that the Operational Orders are prepared now means that there may be periods when Operations can run city wide on an ongoing basis enabling police officers to remove truants from public places to a place of safety (which will normally be their school) during school hours. Schools should have procedures in place to receive any pupils who are returned to school as part of a joint EWS/police patrol or as part of an ongoing police operation.

The legislation does not make truancy a criminal offence in respect of the child; the legal responsibility remains with the parents/carers.

### **(n) Examination Preparation Time (Formerly Known as 'Study Leave')**

The LA Pupil Attendance Strategy Group commissioned a piece of work to examine the advantages and shortcomings of the traditional study leave arrangements, which involved consultation with all secondary schools and reference to DfE research material. The conclusion of this was the following recommendation, endorsed by the LA Strategy Group:

'Pupils are generally not able to fully benefit from unsupervised examination preparation and as such their achievement is often impaired. As such, schools are recommended to cease granting blanket study leave to year 11 students. No time off should be granted during HT5 and that during HT6, study support tuition should be provided in each subject up to the sitting of the examination. This is known as examination preparation time.'

### **(o) Personal Study Programmes**

From September 2011, all LAs must comply with the provisions of Section 3 of the Children, Schools and Families Act 2010 which extends the duty in section 19 of the

Education Act 1996 so that all LAs are under a duty to arrange **full-time education for all children who, for reasons which relate to illness, exclusion or otherwise**, would not receive suitable education unless arrangements are made for them. (Previously, this duty related only to permanently excluded children.) The exception to this duty is where reasons that relate to a medical condition mean that this would not be in their best interests. Educational provision consists of a legal entitlement to 10 sessions per week and the definition of full-time is as follows:

- key stage 1 – 21 hours
- key stage 2 – 23.5 hours
- key stage 3 – 24 hours and
- key stage 4 – 25 hours

If a pupil, for whatever reason, is not able to access this entitlement in school, then it must be clearly recorded as a personal programme.

Where a pupil is showing signs of disaffection or it is recognised that the traditional classroom-based curriculum does not necessarily meet their needs, the use of alternative provision can secure their engagement and support them to reach their potential. Further information about the range of Alternative Provision available in Leicester may be obtained from VESA, the SBSS and/or Connexions.

An example of alternative provision is Leicester City Partnership's pre-16 collaborative scheme (managed by VESA) which includes a "strand" which offers a range of quality assured half day taster courses in Year 10 leading to a whole day provision on Fridays in Year 11 in a range of Curriculum Areas. In Year 11 students access opportunities with a range of local Training Providers in order to achieve a qualification contributing to the Level 1 Threshold.

Where this is deemed appropriate, a Personal Study Programme Agreement should be drawn up in writing and agreed by the pupil, parent(s)/carer(s), school and any external providers. The agreement should clearly state the conditions and expectations of the personal programme, including review arrangements and the course of action to be followed should the agreement break down.

For all pupils accessing education at another location other than the school, the school retains a 'duty of care' towards them. This includes dual and non-dual registered pupils. Where sessions are provided at off-site alternative provision, (provision other than at the PRU/CHS or a special school), attendance at that provision is 'B' coded in the register, and as such the school must ensure that they are appropriately supervised and properly accessing their provision. **If the pupil is not attending their provision, their absence should be coded with the relevant absence code** in the school register, and followed up appropriately.

Where a pupil has time at home allocated within their 10 session entitlement (which can only be as a result of a medical condition meaning that attendance at provision would not be in their best interests), and is not receiving direct supervision from the school, this must be in agreement with the parent(s)/carer(s) and should be coded as an authorised absence ('C' code). Responsibility for the pupil during those periods then lies with the parent(s)/carer(s).



Schools are advised to exercise caution if considering using the 'B' code to record home supervised study. Legal advice obtained from a City Council barrister has confirmed that despite how any home-school agreement might be drawn up, any Court reaching a judgement on any liability issues arising, would have regard to the power imbalance between the school and the parent(s). As such, should the school seek to deem the session 'education provision' and as such code those session(s) out of school as 'educated off-site (code 'B'), then they would carry some liability for any accidents/incidents which occurred during the education off-site provision, even if it were taking place in the family home and it had been written up that the parent(s) accepted full responsibility.

The DfE guidance for LAs and schools 'Absence and Attendance Codes' (pages 6 - 7), makes it clear that 'Education Off-site' sessions are not intended for a pupil just at home on a part-time timetable supervised by their parent. With regards to electronic **and distance learning**, this is often unsupervised and may take place outside the school day and therefore does not meet the regulatory requirements for being recorded as approved educational activity. However, some systems are able to verify that the pupil has logged on at the agreed time and has completed the required work ie systems that verify the user by the keystrokes on the computer. Where a school is given robust evidence that the pupil has done the work during the session in question, the session may be recorded as 'approved educational activity' ie be 'B' coded. Schools should be confident that the environment in which the pupil is completing the work is appropriate before they make any such arrangements.

The overriding principles for a personal study programme are that it is safe, educationally appropriate and in the best interests of the young person. Such arrangements need to be appropriately monitored and reviewed.

Note: Part-time timetables are quite different to personal programmes in that by their nature they are not 10 sessions of education per week. They relate to such as pupils who are not presently medically able to cope with 10 sessions of educational input per week (for either physical or mental health related reasons). Any such session that is not part of a programme of education should be coded as authorised absence ('C' or 'I' code).

(See section (g) for information about pupils who are unable to attend school/alternative provision due to illness for 15 school days or more and see Appendix I for an example of a Personal Study Programme Agreement).

### **(p) Exclusions**

Where a pupil's behaviour is a cause for concern, additional support should be offered in an attempt to keep the pupil in school and able to access their education. This usually takes the form of Pastoral Support Plan meetings in school. Where these avenues have been exhausted and the pupil is excluded from school for a fixed term, they should be coded as 'E' (authorised absence) for the first 5 days, unless alternative provision is secured within this time. Schools have a duty under the Education and Inspections Act 2006 to provide suitable education that is supervised to any pupil from the sixth day of their exclusion onwards. This may be through a reciprocal agreement with another school.

When a pupil is accessing the alternative provision, where they are not dual registered, they should be coded 'B' (approved educational activity) and any absences from the alternative provision should be recorded using the appropriate absence code. Where they are dual registered, all sessions at the other provision should be 'D' coded. (See pages 13/14 for further information regarding dual registration and guest pupil status.)

The Education and Inspections Act 2006 (s.103) places a responsibility upon parents to ensure that their child is not present in a public place during school hours during the first 5 days of their exclusion; failure to do so constitutes an offence. Under s.105 Education and Inspections Act 2006 parents can be issued a Penalty Notice where it is believed they have committed this offence. The headteacher can request that the EWS issues a Penalty Notice to each parent by completing the form 'EXCPN1' and attaching relevant documentation (see Appendix H).

In cases where incidents have occurred of a serious nature which lead to a decision on the part of the headteacher that the pupil must attend alternative provision, in the event that the pupil's parent/s disagree with the decision, should dialogue fail to bring about a resolution, under section 29(3) of the Education Act 2002, the governing body may require pupils to attend at any place outside the school premises for the purposes of receiving education.

#### **(q) Alcohol and Drugs Policy**

The DfE and Department of Health have identified young people that truant from school as having an increased risk of developing substance misuse problems. For children and young people, substance misuse can impact on their education, their relationships with family and friends and prevent them from reaching their full potential.

The EWS recognises the increased risk of developing substance misuse issues for truanting young people and will actively screen young people formally coming into the service at both referral and School Attendance Panel Meetings. Any young person identified through this screening as having substance misuse issues, including substance misuse by others in the home (in line with the Hidden Harm agenda), will be referred to both the designated person(s) in school and for a specialist substance misuse assessment.

#### **(r) Parenting Work / Parenting Contracts**

The EWS delivers support and advice to parents/carers both through individual casework and by providing guidance sessions for groups of parents/carers. Such guidance sessions cover aspects of parenting including understanding children, listening skills, developing strategies for managing behaviour and coping mechanisms. Access to these courses can be voluntary or as the result of a court order following prosecution for non-school attendance. Courses are facilitated by EWOs. EWOs are also able to refer parents to other courses that are running in their locality.

Parenting Contracts (Education and Inspections Act 2006) can be used to secure parents/carers engagement in ensuring their child attends school regularly. Such contracts utilised within the EWS usually take the form of School Attendance Panel Meeting agreements.

Further information is available in the DCSF Guidance on Education-Related Parenting Contracts, Parenting Orders and Penalty Notices, September 2007.

### **(s) Education Otherwise by Parents**

Parents have a legal right (s.7 Education Act 1996) to choose to educate their children other than by attendance at school. If a parent decides that they want to withdraw their child from school to be educated otherwise, they must state their intention in writing to the headteacher of the school. When a headteacher receives this notification, they must refer the matter to their designated EWO, who will arrange to visit the parent(s) to discuss their intention and plans, and the implications of educating otherwise. The pupil can be removed from the school roll in accordance with Regulation 8 (1) (d) of the Education (Pupil Registration) (England) Regulations 2006.

Where a child has a statement of special educational needs, the Special Education Service should be informed immediately. Where the child attends a special school, they cannot be removed from roll without authorisation from the LA, who will need to ensure appropriate provision is in place and amend the child's statement accordingly.

The LA has a duty to monitor that all children educated otherwise than at school are receiving a suitable education. The EWS will inform the LA Education Advisor who will seek to arrange to meet the family to assess the education and offer guidance and advice. Where the education provision is deemed to be unsuitable, and this issue is not resolved, the EWS will be notified and the parent will be required to return their child to school. Failure to do so will result in the EWS commencing School Attendance Order proceedings (see page 23).

### **(t) Child Employment and Performance Licensing**

Any young person of compulsory school age who is employed must have a licence issued by the City Council, in accordance with local byelaws. Such licences are not intended to stop young people from working, but instead protect young people from being exploited, or from damaging their health, well-being or education while they are at work. The licence specifies the task, hours, days and location relating to the young person's work.

Employment licences are dealt with by the EWS and will be issued provided that it is legal for the young person to undertake the work and the young person's well-being and education will not suffer. The young person's employer should request a licence from the EWS within a week of the young person starting employment, and agreement is sought from the young person's parent(s)/carer(s) and school. Licences should be available for inspection at any time, and will be withdrawn if the

employment is illegal or damaging the young person's health, well-being or education.

Licences are also required for young people who model, or for those who are involved in performances that are not considered ordinary. Children involved in performances must have a registered chaperone, and their involvement in performances is limited to specified times and durations. The performance producer should request a licence from the EWS with regard to young people, and copies of the licence issued will be sent to the producer, the child's parent(s)/carer(s) and the child's school. The producer must ensure that educational provision is made where appropriate.

Absences from school due to performances can only be authorised by the headteacher; absences for unlicensed performances cannot be authorised.

### **(u) Transition Between Phases**

It is important to support pupils' transition between phases by the effective sharing of relevant information so that pupils can experience a positive move between schools and establish good attendance habits from the outset. Primary and secondary schools within an area should maintain regular contact, and seek to complement each other on matters of attendance policy (such as holiday procedures and Penalty Notices), so that siblings who attend different schools receive the same experience. Positive experiences of secondary school should be made available to primary aged children through extra-curricular activities, such as sporting events, art projects and community involvement to help promote familiarity and aspirations. More specific transition related expectations are as follows:

#### **Expectations of primary schools:**

- Prompt and accurate completion and submission of the Common Transfer File
- Information provided to secondary schools regarding any prior school level or EWS intervention relating to attendance, and an indication of where the secondary school should initiate immediate action should attendance cause concern
- Information provided on other agencies involved with the child
- Information provided on subject and academic ability, including teacher assessments and SATs results where available
- Preparing children for the change in pastoral support and attendance processes through discussion and by challenging absence more throughout Y5 and Y6

#### **Expectations of secondary schools:**

- Ongoing work with primary schools to promote a positive image of the secondary school to pupils; with more specific transition work undertaken in Y5 and Y6, including visits from a specialist member of staff, Y7 pupils etc
- Ensuring children are introduced to a key member of staff prior to their start so that each child knows who they can go to with any concerns, and so that they feel welcomed and known
- Ensuring friendship groups are maintained as indicated by the primary school where possible
- Explanation and promotion of the school ethos and procedures relating to behaviour at the induction day and when pupils start

- Clear explanation of expectations regarding attendance; description of rewards and sanctions; targets set for year groups, form groups and individuals based on attendance in Y6, with regular reviews and feedback on progress
- Review of the pupils' attendance in Y6 and targeting of those with poor attendance, through home visits over the summer, letters sent home prior to starting, establishing an attendance group, allocating key staff to support and monitor their progress in school etc
- Early action undertaken where pupils are known to have had poor attendance at primary school and where EWS have had previous involvement; taking a firm approach to the authorisation of absence and working with the EWO to ensure any action continues if appropriate

### **EWS support for transition:**

- Where EWOs have open cases, or have worked with pupils during Y6, they will establish which secondary school the pupil is allocated to and inform the secondary school's designated EWO to monitor their transition carefully and take early action where appropriate
- Designated secondary EWOs will discuss identified cases with the school with a view to taking early action should attendance continue to be poor

### **(v) Advice and/or Training for Schools**

Where it is considered desirable for training to be given to school staff on attendance matters, the EWS is pleased to be able to offer such training. It may be to explain legal aspects in more detail, or to assist your school in reviewing in-school procedures on the management of attendance. The EWS can also offer assistance in the publication of attendance policies, home-school agreements and/or guides for parents.

### **(w) Advice for Schools on Absent Parents With Parental Responsibility**

Advice from the DfE is that everyone who is a parent (whether they are a resident or non-resident parent) has a right to participate in decisions about a child's education and receive information about the child (even though for day to day purposes, the school's main contact is likely to be a parent with whom the child lives on school days). School staff must treat all parents equally, unless there is a court order limiting an individual's exercise of parental responsibility. Individuals who have parental responsibility for, or care of a child have the same rights as natural parents, for example:

- to receive information ,e.g. pupil reports
- to participate in school activities, e.g. to vote in elections for parent governors
- to be asked to give consent to school trips
- to be informed of school meetings involving the child e.g. governors meetings on the child's exclusion.

Legal advice from the City Council is that, where schools need parental consent for outings and other activities, headteachers should seek consent from the resident

parent unless the decision is likely to have a long and significant impact on the child or the non-resident parent has requested to be asked for consent in all such cases.

In cases where the school considers it necessary to seek consent from both parents where one gives consent and the other withholds it, it is best to assume that parental consent has not been given. Such an approach safeguards the position of the school, ensuring it is not exposed to any potential civil liability, for example, the child is injured while on a school trip.

In the case of a parental request for a holiday, or a child being withdrawn for the purposes of home education (by the resident parent), it is advisable to notify the absent parent unless there is a court order in place prohibiting the school from contacting the other parent or, if the parent has lost parental responsibility. In cases where the school understands there is an absent parent with parental responsibility but where this parent is not on the child's contact list and has no contact with the school and would appear to play no part in the child's life, the school would not be expected to contact/notify them about trips, holidays, home education decisions etc.

### **(x) Pupil Review Days**

Pupil review days are referred to in *Absence and Attendance Codes: Guidance for Schools and Local Authorities* (2009). The guidance provided on the use of the 'B' code for relevant sessions is as follows: *'Schools should not use this code to record pupil review days if pupils are simply sent home with home work and private study. Like study leave it is unsupervised and usually treated as an extra holiday by pupils. It therefore would not meet the legal definition of approved educational activity. The code can be used where schools arranged supervised, off-site educational activities to replace the normal lessons whilst review interviews are held.'*

Schools should be aware that there is an issue regarding the provision of the 190 school days should pupils attend for a short time and then be sent home with a work pack. If, however, the academic review is organised around a revised timetable, or so that pupils continue their lessons (and leave the lessons for the period of the meeting), then the advice is that the school is open to all pupils, and the sessions affected can count towards the requirement to open for 190 days. The attendance register should then be marked as normal. Further advice is available in sections 71-73 of *Keeping Pupil Registers* (available at time guidance published).

# Appendices

## Appendix A - PUPIL ATTENDANCE STRATEGY GROUP

### Terms of Reference

- To produce an improving attendance strategy to contribute towards the achievement of the 5 ECM outcomes.
- To evaluate and update the strategy as necessary.
- To engage schools in the development, monitoring and implementation of the strategy.
- To take into account the views of children, young people, parents/carers and other agencies in the development and operation of the strategy.
- To identify and investigate emerging themes from the interrogation of data and other information.
- To recommend and implement actions to address identified issues.
- To develop Local Authority guidance for schools to promote consistency of practice.
- To carry out an annual review and report findings to Children's Services Department DMT, Joint Commissioning Board, elected members, headteachers and other stakeholders.
- To ensure the strategy is reflected in the Children and Young Persons Plan (CYPP).
- To ensure that attendance developments take account of the Common Assessment Framework procedures, developments in integrated working arrangements and the LSCB *Meeting the Needs of Children and Families in Leicester: Guidance on thresholds for children' and families' services in Leicester City.*

**Appendix B**  
**Ofsted judgements on attendance:**  
**Extract From Ofsted Inspecting Attendance: Guidance (April 2011)\***

<b>Primary schools (including middle deemed primary)</b>	<b>Overall absence 2008-09</b>	<b>Attendance</b>	<b>Attendance grade indicator</b>
Lower quartile absence	4.29	Equal to and above 95.7%	High
Median	5.07	94.9%–95.6%	Above average
Upper quartile	6.04	94%–94.8%	Average
		Below 94%	Low

<b>Secondary schools (including middle deemed secondary, academies, and so on)</b>	<b>Overall absence 2008–09</b>	<b>Attendance</b>	<b>Attendance grade indicator</b>
Lower quartile	6.14	Equal to and above 93.9%	High
Median	7.09	92.9%–93.8%	Above average
Upper quartile	8.19	91.8%–92.8%	Average
		Below 91.8%	Low

\*Subject to change as national levels change



## APPENDIX C

### Traveller Pupil Tracking Form

Traveller children of compulsory school age are expected by law to attend at least 200 sessions out of the possible 380 sessions per school academic year. The use of the Traveller code (T) for more than 180 sessions could indicate that the pupil has failed to meet this requirement. Please note that absence for travelling purposes should only be coded "T" when the parent is engaged in trade or business of such a nature as to require them to travel from place to place. If this is not the case, the child is required to be in school as usual.

Together, we anticipate a continued improvement in attendance at school by working jointly with parent(s)/carer(s), specialist support from the Traveller Education Service (TES) and the Education Welfare Service (EWS) to achieve better educational outcomes for our Traveller Children and Young People.

Ref: Guidance on The Education (Pupil Registration) (England) Regulations 2006.

*School to complete form:*

In the interest of pupil welfare and safety please complete the following information **before pupil(s) travel:**

#### PUPIL

Pupil Name :
DOB:
Base 1: Address with post code (local residence):
Tel:
Mob:
Email:

#### PARENTS

Parent(s)/Guardian(s)/ Carer(s) Name(s):
Reason for travel:
Base 2: Address with post code (other residence):
Tel:
Mob:
Email:

### TRAVEL DATES

Travel Date	HT1	HT2	HT3	HT4	HT5	HT6
Expected Return date	HT1	HT2	HT3	HT4	HT5	HT6

\*Removal from Roll date (see note):

### TRAVELLER EDUCATION DETAILS

Traveller Education Base 1 Address:
Officer's Name:
Tel:
Mob:
Email:

Education Packs provided

Y / N

Traveller Education Base 2 Address:
Contact Name:
Tel:
Mob:
Email:

**\*Please note:**

Traveller children whose whereabouts are unknown - can be deleted from the school roll in the same way as other (non-traveller) pupils **after thorough investigations have been undertaken and the pupil has not been located.**



## EDUCATION WELFARE SERVICE PENALTY NOTICE GUIDANCE for SCHOOLS

REF 84

The Local Authority is empowered by the Anti-social Behaviour Act 2003 to issue Penalty Notices (PNs) in relation to pupils' unauthorised absence (u/a) from school. The fine is £50 per parent/carer per child if paid within 28 days of issue, increasing to £100 if paid between 29 - 42 days. Any Penalty Notice not paid within 42 days will result in the matter being taken to court.

PNs can be issued in accordance with the LA Code of Conduct as follows:

- PNs in respect of holidays not authorised by a school (code 'G')
- PNs in respect of a pupil who has been surveyed on two separate truancy patrols where the absences are not authorised
- PNs in respect of fixed term or permanently excluded pupils who are seen in a public place, without reasonable justification, during the first 5 days of the exclusion. (See Appendix H for relevant PN1 request form.)
- PNs in respect of ongoing unauthorised absence (minimum of 20 U/A over a 12 week period).

Schools may request PNs in relation to unauthorised holidays, but schools do not request PNs issued in relation to truancy patrols and ongoing absence – the decision to issue these will be made by the EWO in agreement with their supervising officer and in consultation with the school where appropriate. Prior to the issue of any PNs in relation to ongoing U/A, there would have been a School Attendance Panel meeting at the school organised by the EWS.

In the regular pastoral referral meetings, the EWO will inform the school that a PN has been issued and either, that it has been paid or, if not paid, regarding any subsequent court action.

### **PNs in relation to unauthorised holidays**

(See page 25 regarding circumstances when it would be appropriate to decline a holiday request).

These are issued by the EWS on receipt of completed 'PN1' (dated) and 'EWS6 PN' (undated) forms from schools. (See Appendix F and G.) These forms are also available electronically from your EWO, if required.) It is important that any letters either sent or received by the school in relation to the holiday request are attached to the 'PN 1' and 'EWS6 PN' forms. It is both good practice and extremely helpful in court if the school puts in writing to the parent/carer the basis for any decision NOT to agree to some or all of a holiday request.

To satisfy **rules of evidence** in any subsequent prosecution should the PN not be paid within 42 days:

- The parent's full name is required on the forms as PNs can only be issued in the parent's full name. (If this information is not known, your EWO **may** be able to obtain the missing information from council tax records.)
- Separate forms are required for each parent/carer and for each child.
- Copies of letters sent to parents detailing why all or part of a holiday/extended leave request has been refused should be attached to the PN request.

- The PN, forms 'PN 1' and 'EWS6' and other supporting documentation in relation to the holiday will form part of evidence that is presented to the court.

Note:

- A PN is unlikely to be issued for a year 11 pupil after Easter; they will effectively have left school by the time the case is in court should the Penalty Notice not be paid and the case would not be deemed to be in the public interest.
- The period of time on the EWS6 PN should cover each week during which there has been u/a in relation to the holiday and also any authorised absence in relation to the holiday as this form will also be used in evidence in court to demonstrate the overall absence should the PN remain unpaid.
- The minimum number of days of unauthorised holiday for a PN to be issued is generally set at 5 days. This is because any subsequent court action has to demonstrate it is in the public interest. For example, it is unlikely that a PN would be issued for an excellent attender who has 4 or less days of u/a in relation to a holiday, for if unpaid, it is unlikely that any subsequent court action would be deemed to be in the public interest. Where a pupil has 5 or more days of u/a relating to a holiday, on receipt of the completed documentation, a PN will be issued, providing the request for the PN is submitted without delay and always within a month of the pupil's return to school.

If a pupil fails to return to school on the agreed return date and misses less than 5 days (thus preventing the school from requesting a PN), exceptions may be made to the 5 day rule if this has happened before and if the school write to the parent to point this out to them. A copy of the letter could then be used in any subsequent prosecution to justify the action to the Magistrates.

### **On-going unauthorised absence which also incorporates an unauthorised holiday**

Where a pupil has ongoing u/a and also has an unauthorised holiday, a PN can be issued in relation to the holiday with the usual Attendance Panel Interview process being followed in relation to the other u/a. Alternatively, the unauthorised holiday could form part of the evidence as part of any subsequent prosecution in relation to the ongoing u/a.

In order to minimise the possibility that a family will go away for an agreed period of time and then contact the school to say they are not able to return until a later date (without just cause), it is advisable to state when the holiday is first requested that a condition of agreeing to the holiday is the parent/s bringing the tickets in to school for the appropriate member of staff to see.



Leicester  
City Council

## Appendix F

PN1 REF 71

### CHILDREN & YOUNG PEOPLE'S SERVICES

REQUEST BY PRINCIPAL/HEADTEACHER FOR EDUCATION WELFARE SERVICE TO ISSUE A **PENALTY NOTICE** UNDER s.23(l) Anti-social Behaviour Act 2003 and Sections 444A and 444B Education Act 1996, in respect of unauthorised holiday.

**PLEASE COMPLETE IN BLOCK CAPITALS**

<b>SCHOOL:.....</b>		
Pupil's Name		Date of Birth
Address:		
Full Name of Parent to be issued with Notice (Please complete one form per parent.)	Date of Birth (if known)	
Address:		
<b>REASON</b>		<b>Please indicate by Ticking appropriate box</b>
1.	Holiday being taken during the period ..... to ..... without being requested.	
2.	Holiday being taken during the period .....to .....despite permission being refused. (see letters/statement attached – <b>required to prove child was on holiday</b> )	
3.	Consent for holiday between ..... and ..... granted. Failed to return on agreed date (see letters/ statement attached).	
4.	Destination (if not known please state why):	
5.	Source of Information regarding Period of Absence/Evidence provided:	
<p><b>An Attendance Certificate, which includes this period of unauthorised absence, duly certified, is attached, together with application for holiday request and correspondence from school to parent, where applicable</b></p>		

**DECLARATION**

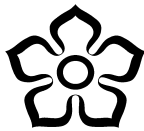
.....(PRINT NAME) declares that , as the maker of this statement that he/she believes it to be true and understands that it may be placed before a Court.

Headteacher's signature..... Print name .....

Dated: .....

Note The provision of Regulations 7 of the Education (Pupil Registration) Regulations 2006 give the Headteacher the power to grant or decline leave of absence for pupils' holidays in term time.





REQUEST BY PRINCIPAL/HEADTEACHER FOR EDUCATION WELFARE SERVICE TO ISSUE A **PENALTY NOTICE** UNDER S.105 Education and Inspections Act 2006, in respect of Fixed Term or Permanent Excluded Pupils being in a public place during school hours without reasonable justification, during the first 5 days of their exclusion.

**PLEASE COMPLETE IN BLOCK CAPITALS - (Please complete one form per parent.)**

<b>SCHOOL:</b> .....			
Pupil's Name			
Date of Birth			
Address:			
Full Name of Parent to be issued with Notice		Date of Birth (if known)	
Address:			
REASON (Please complete appropriate Section)			
1.	Fixed Term Exclusion during the period ..... to .....		
2.	Permanently Excluded from .....		
<b>An Attendance Certificate, which includes this period of exclusion, duly certified, is attached, together with correspondence from school to parent, informing them of the exclusion and their responsibility to ensure their child is not allowed out in a public place during the first 5 days of exclusion.</b>			

Place Young Person Seen: .....

Date and Time: .....

Names(s) of School staff observing the incident: .....

.....  
.....

**NOTE:**

- Detailed record needs to be retained of the incident in case the matter proceeds to court and a court witness statement is required.
- Requests for the issue of a Penalty Notice should be made within one week of the incident.

**DECLARATION**

.....(PRINT NAME) declares that , as the maker of this statement that he/she believes it to be true and understands that it may be placed before a Court.

Headteacher's signature..... Print name .....

Dated: .....



**Personal Study Programme Agreement****Student:****Form/Tutor Group:**

School / College recognises that the traditional classroom-based curriculum does not necessarily suit the needs of all students.

Therefore the following timetable (attached) has been prepared to meet the specific identified learning needs of **the above student**. The timetable fulfils the standard 10 sessions of the school week with an appropriate combination of school-based learning and alternative curriculum provision.

The personal study programme may mean that student will not be entered for as many External Examinations as may have been possible if he/she were to continue with the normal curriculum. Additionally, student may miss out on career opportunities offered by visiting companies or events organised by school. However, School / College recognises that student is more likely to benefit from this alternative provision designed to assist him/her to fulfil his/her individual potential.

The programme commences on **date** and will be **subject to a 4-weekly review** by named member of school staff. Should the programme be deemed to have broken down as a result of student's unauthorised absence from any of the sessions, then an urgent review meeting will be arranged to determine the continued viability of the programme.

The attached timetable specifies the provision. Other conditions of the programme are as follows:

- Registration arrangements:
- Transport issues:
- Others, such as behaviour expectations, uniform, work provision for home study, stipulations about home study arrangements etc

Notes:

- A personal study programme agreement is required whenever a student is not completing their full 10 sessions per week on school site.
- The overriding principle for a personal study programme is that it is safe, educationally appropriate, in the best interests of the young person, and will be appropriately monitored and reviewed.

Personal Study Programme Agreement

Student:

Form/Tutor Group:

**Student**

- I agree to fully comply with this personal study programme.
- If any issues arise with any aspect of this programme, I will contact keyworker at school without delay.

**Parent(s) / Carer(s)**

- I/We agree to my son/daughter participating in this personal study programme.
- I/We agree to fully support student's engagement with the programme and to immediately notify the school if student is unable to attend a session due to illness or any other unavoidable cause.
- I/We will ensure that student works at home during the specified times, and will supervise this in person or will put into place alternative suitable arrangements for supervision at home during these periods.
- I/We will contact keyworker at school if any concerns arise regarding the programme.

**School**

- School/College will fully support student to enable this programme to be successful.
- Named member of school staff will be student's keyworker, and will monitor student's progress, making contact with student at least once a week.
- Keyworker will contact parent(s) / carer(s) with any concerns, which could include the need to arrange an interim review meeting should this be felt to be necessary (e.g. if the agreed programme is not being adhered to).

Review Date for Programme: \_\_\_\_\_

Signed:

Student: ..... Date: .....

Signed:

Parent(s) /Carer(s): ..... Date: .....

Signed:

School Representative: ..... Date: .....

Copy of agreement provided to parent on: \_\_\_\_\_

## Appendix J – ATTENDANCE CODES, DESCRIPTIONS AND MEANINGS, 08/2006

CODE	DESCRIPTION	MEANING
/	Present (AM)	Present
\	Present (PM)	Present
<b>B</b>	Educated off site (NOT Dual registration)	Approved Education Activity
<b>C</b>	Other Authorised Circumstances (not covered by another appropriate code/description)	Authorised absence
<b>D</b>	Dual registration (i.e. pupil attending other establishment)	<i>Not counted in possible attendances (from Sept 2011)</i>
<b>E</b>	Excluded (no alternative provision made)	Authorised absence
<b>F</b>	Extended family holiday (agreed)	Authorised absence
<b>G</b>	Family holiday (NOT agreed or days in excess of agreement)	Unauthorised absence
<b>H</b>	Family holiday (agreed)	Authorised absence
<b>I</b>	Illness (NOT medical or dental etc. appointments)	Authorised absence
<b>J</b>	Interview	Approved Education Activity
<b>L</b>	Late (before registers closed)	Present
<b>M</b>	Medical/Dental appointments	Authorised absence
<b>N</b>	No reason yet provided for absence	Unauthorised absence
<b>O</b>	Unauthorised absence (not covered by any other code/description)	Unauthorised absence
<b>P</b>	Approved sporting activity	Approved Education Activity
<b>R</b>	Religious observance	Authorised absence
<b>S</b>	Study leave	Authorised absence
<b>T</b>	Traveller absence	Authorised absence
<b>U</b>	Late (after registration closed)	Unauthorised absence
<b>V</b>	Educational visit or trip	Approved Education Activity
<b>W</b>	Work experience	Approved Education Activity
<b>X</b>	Untimetabled sessions for non-compulsory school-age pupils	Not counted in possible attendances
<b>Y</b>	Enforced closure	Not counted in possible attendances
<b>Z</b>	Pupil not on roll	Not counted in possible attendances
<b>#</b>	School closed to pupils	Not counted in possible attendances

For further guidance on the treatment and classification of absence refer to the following DfE guidance below which (at time document published) is available via:

<http://www.education.gov.uk/schools/pupilsupport/behaviour/attendance/b0010008/pupil-registration-regulations-and-guidance>

- Absence and Attendance Codes (January 2009)
- Keeping Pupil Registers – Guidance on applying the Education Pupil Registration Regulations (June 2008)



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