



# Attendance Policy

## (including Response to Children Missing Education CME)

### **Covid-19 pandemic**

Open Box Education Centre will implement all DfE policies and guidelines relating to attendance during the Covid-19 pandemic. From September 2020 the expectation is that all pupils will attend school and this Attendance Policy will be reinstated and implemented.

If parents or students have concerns about attendance during the pandemic they should speak to the school office in the first instance. The school's risk assessment refers to attendance and the steps that the school will take to promote attendance at the current time.

### **Open Box Education Centre Statement of Intent**

At Open Box Education Centre regular attendance is viewed as essential in ensuring uninterrupted progress and in enabling students to reach their potential. Supporting good attendance is the responsibility of both school and parents/carers. Effective partnership and timely communication between school and parents/carers is central to supporting students in maintaining good attendance.

Staff and Governors at Open Box Education Centre expect all students to attend on time everyday according to their agreed timetable. At Open Box Education Centre we are committed to encouraging regular attendance and ensuring procedures are in place to support this and to minimise 'lost learning hours'. We are committed to ensuring that all students benefit from the opportunities available at Open Box Education Centre.

Our expectation is that students arrive on time and attend regularly every day that the school is open unless there is an unavoidable reason for not doing so. We will actively promote this ethos throughout the school community and encourage our students to achieve this. Where this expectation is not met we will identify and address the barriers that prevent this.

### **Rationale**

Regular attendance and excellent punctuality are the foundations for academic achievement and personal development. They establish a responsible attitude towards the opportunities available at school and underpin the basis for the world of work. Attendance and punctuality are strongly linked to students' well-being and safety. Regular attendance demonstrates a commitment to learning and the school community. Poor attendance can seriously affect each student's:

- Attainment in school, through 'lost learning hours' (see appendix 3)
- Relationships with others and their ability to form lasting friendships
- Confidence to attempt new work and work alongside others

**NB: See Appendix 1 for a Parents/Carers Guide to Attendance Responsibilities**

## 1. School Attendance and the Law

The Education (Pupil Registration) (England) Regulations 2006 clearly state that where a parent provides a reason for absence, the school decides whether or not the absence(s) in question are recorded as authorised/unauthorised.

The Education (Pupil Registration) (England) Regulations 2013 removed all references to 'family holidays.' Leave of absence may only be granted by Head teachers if there are exceptional circumstances. Head teachers no longer have the discretion to authorise up to ten days of absence each academic year. Where a family chooses to go on holiday during term time, absences are to be coded as unauthorised (G code). It is up to the Head teacher's discretion as to whether a penalty notice is requested.

The Supreme Court has ruled that the definition of regular school attendance is "in accordance with the rules prescribed by the school". The definition of a persistent absentee is attendance that falls below 90% (19 days (38 sessions) over the 6 half terms of the school year).

Reference will be made by the school to the Essex Code of Conduct for Penalty Notices.

## 2. Roles, Responsibilities and Procedures

### Parents/carers

The Education Act 1996 states that parents/carers have the primary responsibility for ensuring that registered students of school age attend school regularly and punctually and that they receive an education suitable for their aptitude and ability. Parental responsibility and legal consequences for irregular school attendance are prescribed within Section 7 and Section 444 of the Education Act 1996. We expect all parents and carers to support Open Box Education Centre in ensuring regular attendance and good punctuality and to attend any meetings called to discuss concerns around attendance and punctuality.

### Students

Our students are encouraged to become independent young people including taking responsibility for their attendance and punctuality.

### School

The Principal holds responsibility for attendance matters, supported by all other members of staff. The school have a legal responsibility for maintaining school registers and taking the register twice a day. Attendance is recorded and data stored and analysed using the school's management information system (RM Integrus). It is statutory duty for Open Box Education Centre to maintain accurate registers; these are legal documents and may be called for as evidence by the Court. The school has a responsibility for reporting absence to the Local Authority and the school also has safeguarding responsibility and duty of care to all our students.

## 3. Open Box Education Centre Attendance Rules

- We expect our students to attend school **on time every day** that the school is open, according to their agreed timetable, unless there is an unavoidable reason for not doing so, for example illness. It is the Principal, not the parent, who can authorise the absence.
- Leave of absence shall not be granted in term time unless there are reasons considered to be exceptional by the Principal, irrespective of the child's overall attendance. Only the Principal (not the local authority) may authorise such a request and all applications for a leave of absence must be made in writing/on the prescribed form provided by the school. Where a parent removes a child when the application for leave was refused or where no application was made to the school, the issue of a penalty notice may be requested by this school.

- 'Regular attendance' is recognised when a student attends for 96% of the time or above
- Persistent absence (attendance that falls below 90%) affects life chances and Open Box Education Centre have a duty to protect education; we will challenge any unauthorised absence and we will consider appropriate interventions if a student falls into the category of 'persistent absence'
- We will celebrate and praise students who achieve our expectations of a high level of attendance and those who have shown sustained improvement
- We will share attendance information with parents and students focusing on the link between attendance and achievement
- We will promote high attendance and punctuality through starter lessons and individual discussion, always reinforcing the link between attendance and achievement
- The school will communicate attendance matters to parents via text, telephone, email and letters.

Attendance can be summarised as:

96%+	<b>EXCELLENT</b> - Congratulations! This will help all aspects of progress and life in school. This gives a good start in life. This is considered regular attendance.
91%-95%	<b>AVERAGE</b> - Strive to build on this and improve to above 95% to prevent lost learning hours.
85%-90%	<b>POOR</b> - Absence is now affecting attainment and progress at school. Please work with the school urgently to improve the situation. This is now classed as persistent absence.
Below 85%	<b>UNACCEPTABLE</b> - Absence is causing <b>SERIOUS CONCERN</b> . It is affecting attainment and progress and is disrupting learning. We will work with you and other agencies to improve your child's attendance. Permitting absence from school without good reason is an offence by the parent. Only the school can authorise absence. The school will not accept all reasons as valid.

#### 4. Absence from school

There are only two categories of absence from school:

**Authorised** – approved

**Unauthorised** – not approved

Only the Principal can approve an absence from school. That is the law. Absence will be recorded using the code recommended by the Department for Education Guidance on School Attendance.

Absence will be classified by the school, not parents/carers. An absence is classed as authorised when a child is away from school for a legitimate reason and the school has received notification from a parent. For example, if a child has been unwell and the correct medical evidence is received the school will make the absence authorised and mark with an 'I' code (illness).

Requests for absence in term time must be submitted in writing in advance to the Principal who will treat every request on an individual basis and respond accordingly. The rules about what type of absence is acceptable are set out below:

#### **Authorised** (approved) Absence

Authorised absence is when the school has accepted the explanation offered as justification for the absence or given approval in advance for such an absence.

Types of authorised absence that may be approved:-

- Leave of absence - for bereavement, funeral, wedding
- Medical absence for appointments – at hospital or orthodontic appointments. (Non- urgent routine check-up appointments should be made for after school hours or during the school holidays.) Students are expected to be absent for the minimal amount of time and not absent for the whole day.
- Illness (see appendix with recommended absence for minor illnesses)
- Religious observance
- If a student is excluded from school for a behaviour related incident, this is an authorised absence.

### **Unauthorised** (not approved) Absence

Unauthorised absence is when the school has not received a reason for absence or has not approved a child's absence from school after a parent's/carer's request.

Types of absence that will not be approved:

- Absence due to a birthday, shopping, looking after family members, tiredness etc
- Repeated illness without medical evidence
- Truancy or refusal to attend
- Holiday in term time unless there are exceptional circumstances agreed to by the Principal – in line with changes to the law implemented in 2013.
- Late arrival to school after the register has closed (11:20am) has to be recorded as an unauthorised absence using the 'U' code.

Unauthorised absence can lead to parents /carers being fined by the Local Authority. All absence – authorised and unauthorised – will be analysed and subject to challenge to ensure that any concern regarding frequency, pattern or validity is acted upon swiftly to ensure safeguarding responsibilities are met.

### **5. When attendance becomes a concern**

The Essex Attendance Compliance Team has a statutory responsibility under the Education Act 1996 to pursue non-school attendance and persistent lateness. Section 444 of the Education Act states that "if a child of compulsory school age, who is a registered student at a school, fails to attend regularly at the school, the parents/carers are guilty of an offence." Essex Local Authority, through the Attendance Compliance Team, may issue a Fixed Penalty Notices or prosecute parents/carers when children do not attend school regularly. A Fixed Penalty Notice, when requested by a Headteacher, can be issued or legal intervention pursued, in line with the Essex Code of Conduct for Penalty Notices, as long as the following criteria apply:

- A penalty warning notice letter has been sent by the school to both parents before the request
- A penalty notice may be issued if 10 unauthorised absences have occurred during a 10 week period. This includes unauthorised late arrivals, coded U, which count as unauthorised absence for the whole session.
- A penalty notice may be issued if there are 6 or more unauthorised sessions (3 days) due to a holiday taken during the first two weeks of September

### **School attendance meetings (SAM)**

The purpose of a school attendance meeting is to listen to the reasons for the absences and agree a plan to immediately improve the situation. The meeting will be held in the school with an Investigation Officer and a Member of School staff. The school can make a referral for support from the Attendance Compliance Team if *8 unauthorised absence sessions are recorded within 4 weeks and a warning letter has been sent to both parents*. Once a case is referred and accepted a School Attendance Meeting may take place (SAM).

### **Children Missing from Education (CME)**

When a student is absent, the attendance administrator will record the absence in the register. As part of our safeguarding procedures, the school will endeavour to contact the parents/carers and other emergency contacts if information has not been received regarding the reason for the absence. This will happen every day of non-attendance where no call has been received informing us of absence and reasons why. Every parent/carer is expected to share at least one additional emergency contact number to their own when their child first starts the school.

Parents/Carers are expected to phone the school on the first day of absence and each day thereafter informing the school of the reason for absence and the expected date of return to school. If no contact can be made with the parent by the end of the second day of absence, and all messages go unanswered, a home visit may be undertaken by the school or a police welfare check may be requested. The school will liaise with Essex Children's Safeguarding services for advice and support and a referral may be made to Essex Social Care if there are safeguarding concerns.

Schools are required to inform the LA (The Education (Pupil Registration) (England) Regulations, 2006) of the details of pupils who have been absent from school for 10 continuous school days and contact cannot be made with the parent/carer to establish the reason for the absence and the absence has not been reported.

## **6. How our policy works in practice**

### **Absence without reason**

When a student is absent, the attendance administrator will record the absence in the register. As part of our safeguarding procedures, the school will endeavour to contact the parents/carers and other emergency contacts if information has not been received regarding the reason for the absence. This will happen every day of non-attendance where no call has been received informing us of absence and reasons why.

### **Punctuality**

- Students who arrive 5 mins or later after registration are recorded as 'L'. Registration takes place at 9:30am and 12:40pm.
- Frequent late arrival will be challenged by the school and contact made with parents. Persistent late arrival will result in parents and students being asked to attend a meeting with the Principal
- If a student arrives after the register has closed at 11:20am and 1:30pm, this will be recorded as 'U' and will be considered as an unauthorised absence for that session. Unauthorised sessions marked with a 'u' code can result in a Penalty Notice being issued by the Local Authority.

### **Medical appointments**

- Parents/carers should ensure that every effort is made to make or arrange medical appointments outside school hours.
- We monitor the amount of time missed due to medical appointments carefully.
- We acknowledge that hospital and specialist clinic appointments, including orthodontic and on-going dental treatment may require a student having time out of school. Our expectation is that the minimum amount of learning is lost. We will seek an explanation from parents where a whole day is missed for this reason. Proof of unavoidable medical appointments in school time must be provided for the school.

- Routine, non-urgent appointments must be made after school time and during the 12 weeks of school holiday.

### **Illness**

- Students are likely to experience bouts of illness from time to time. Some students will be managing chronic or more serious medical conditions that impact on their attendance. We will support students in these circumstances to ensure they do not miss out on their education (see Appendix 2 for guidance on minor illnesses)
- When a student is unwell, parents/carers should contact the school before 9.30am on everyday of absence. Parents/carers must provide a reason for absence. When a student is absent due to illness, it is down to the discretion of the Principal to mark it as 'I'. Open Box Education Centre will authorise absences for illness unless there is reason to doubt.
- When a student is identified as having frequent absence for reasons of minor illness, a meeting will be arranged to discuss this with the Principal and, if appropriate, the school nurse. We may share information with external agencies, such as Family Solutions or Social Care.
- If a student is ill for an extended period of time, the school will provide work to be completed at home, where appropriate, or liaise with hospitals or medical professionals to support learning.

### **Holiday absence in term time**

- Where a family chooses to go on holiday during term time, absences are to be coded as unauthorised (G code). It will be up to the Principal's discretion as to whether a penalty notice is requested.
- Each case will be considered individually and the decision regarding a penalty notice communicated to the parents.

### **Exceptional Circumstances**

- If a parent feels there are exceptional circumstances that support a request for leave of absence in term time, they must put the request in writing to the Principal giving sufficient notice to enable school consideration and a written response to the request. (see appendix 4)
- Each case will be considered individually and the decision communicated to the parents.

### **Internal Truancy**

If a student leaves the school without permission during school hours or does not return from break or lunchtime for a significant period of time (30 mins or more) and staff are unaware of the whereabouts of that student, parents/carers will be informed that their child is not in our care. Parents/carers will be asked to make contact with their child to establish their whereabouts and instruct them to return to school.

If staff have any concerns about the safety or welfare of a student who has left the school building without permission or not returned after break or lunchtime, a member of staff will walk outside and look for any signs of the student in the immediate local area. The police may be called if a student cannot be located and safeguarding concerns remain.

### **Returning to School from Absence**

When a student returns from a short period of absence, the school and teaching staff will ensure that the student is given every opportunity to catch up on learning missed and to ensure other important activities that may have taken place in their absence, such as immunisations or special learning days, are repeated where possible or alternate arrangements put in place.

When a student returns from an extended period of absence, a reintegration meeting may be deemed necessary to remind the student of our expectations and to arrange for catch-up learning to take place.

### **Interventions and Support around Poor Attendance**

Non-attendance is an important issue that is treated seriously. However, each case is different and Open Box Education Centre acknowledges that not one standard response will be appropriate in every case. Consideration is given to all factors affecting attendance before deciding what intervention strategies to apply.

### Step 1

Where there are concerns about a student's absence or a student falls into the category of 'persistent absence', this will be communicated to both students and parents by phone call, email or text. Weekly texts will be sent to communicate concerning attendance over the previous week and will reference 'lost learning hours' (see appendix)

### Step 2

If no improvement is seen in attendance, a meeting will be called for parents/carers and student to attend to discuss with the Principal the reasons for persistent absence and to understand the impact this is having on the student's progress in school. Strategies will be agreed upon, targets set and a date for a review meeting arranged.

### Step 3

If no improvement is seen in attendance at the review meeting, the Principal will call an Attendance Strategy Meeting with supporting partners from the Bloom Project or ECS Pupil Attendance Consultancy Services and, if appropriate, the school nurse, social care or other agencies involved. More intensive strategies and support will be agreed upon, targets set and a date for a review meeting arranged.

### Step 4

If there continues to be no improvement following intervention work by the school and other agencies, a penalty warning notice may be issued to the parents and a referral made to the Attendance Compliance Team.

## Celebrating Success

Good and improved attendance will be communicated and celebrated with parents/carers on a weekly basis via text messages and in the half termly reports. All students will be assessed on an individual basis recognising that improvement for one student may look different from that of other students. Under the Equality Act 2010, the school recognises that the attendance of students who suffer with diagnosed conditions that sometimes prevent them from attending school on a full-time basis should be viewed within the context and good attendance should be recognised and celebrated within this context.

## Formal guidance informing this policy

- Education Act 1996 which states if any child of compulsory school age who is a registered pupil at school fails to attend regularly at the school, his/her parent is guilty of an offence.
- Pupil Regulations 2006 amended DFE April 2013
- Parental responsibility measures – regarding Penalty Notices (Fines) DFE November 2013
- Working Together to Safeguard Children DFE
- Keeping children safe in education. DFE September 2020
- Educating Children with Health Needs – DFE 2013 – Ensuring children with health needs do not miss out
- Supporting pupils at school with medical conditions – DFE December 2015
- Children Missing Education – DFE September 2016
- Missing Education and Child employment Service Guidance for all Essex School and Academies - Sep 2017
- Essex Code of Conduct – March 2019
- School Attendance – DFE 2018
- Equality Act 2010

**Approved by:** ..... (Principal) ..... (date)

**Authorised by:**..... (Chair of Governors) ..... (date)

**To be reviewed every:** 2 Years

**Next review date:** September 2022

## Appendix 1

### Your Attendance Responsibilities: A Parent/Carer Guide

#### 1. What is expected of my child?

Your child is expected to attend school **on time every day** that the school is open, according to their agreed timetable, unless there is an unavoidable reason for not doing so, aiming for above 95% attendance.

#### 2. What if my child is running late for school?

- If your child is going to be late for school, parent/carers are expected to phone (01992 577 300) or email (adolan@openboxeducation.org.uk) the school office to explain why they are going to be late. Students who arrive 5 mins or later after registration (9:30am and 12:40pm) are recorded as late with 'L' code.
- If a student arrives after the register has closed for either the morning or afternoon session (registers close at 11:20am and 1:30pm) this will be recorded as 'U' and will be considered as an unauthorised absence for that session.

#### 3. What if my child is too unwell to attend school?

##### Illness for one day

When a student is unwell, parents/carers are expected to phone (01992 577 300) or email (adolan@openboxeducation.org.uk) the school office on the **first day** of absence **before** the start of the school day at 9:30am to explain why their child will be absent for that day.

##### Illness for more than one day

When a student is unwell for more than one day, parents/carers are expected to phone (01992 577 300) or email (adolan@openboxeducation.org.uk) the school office each day after the first day of absence informing the school of the reason for continued absence and the expected date of return to school.

##### Illness for an extended period (more than 5 days)

If a student is ill for an extended period of time, the school will provide work to be completed at home, where appropriate, or liaise with hospitals or medical professionals to support learning.

#### 4. What if my child has a medical appointment?

Parents/carers should ensure that every effort is made to arrange routine, non-urgent medical appointments outside school hours or during the 12 weeks of school holiday. Proof of unavoidable medical appointments in school time must be provided for the school.

#### 5. What if there is another reason for my child not attending school?

- If a parent feels there are exceptional circumstances that support a request for leave of absence in term time, they must put the request in writing to the Principal giving sufficient notice to enable school consideration and a written response to the request. Each case will be considered individually and the decision communicated to the parents.
- Where a family chooses to go on holiday during term time, absences are to be coded as unauthorised (G code). It will be up to the Principal's discretion as to whether a penalty notice is requested. Each case will be considered individually and the decision regarding a penalty notice communicated to the parents.

#### 6. What if my child leaves the school without permission during the school day?

Parents/carers will be alerted and asked to make contact with their child to establish their whereabouts and instruct them to return to school or ensure that they return home safely.

#### 7. What happens if my child is absent and I do not communicate with the school?

If no contact can be made with the parent by the end of the second day of absence, and all messages go unanswered, a home visit may be undertaken by the school or a police or social care welfare check may be requested. The school will liaise with Essex Children's Safeguarding services for advice and support and a referral may be made to Essex Social Care if there are safeguarding concerns.

Appendix 2



What it's called	What it's like	Going to school	Getting treatment	More advice
Chicken Pox	Rash begins as small, red, flat spots that develop into itchy fluid-filled blisters	Yellow dot	Pharmacy	Back to school 5 days after on-set of the rash
Common Cold	Runny nose, sneezing, sore throat	Green dot	Pharmacy	Ensure good hand hygiene
Conjunctivitis	Teary, red, itchy, painful eye(s)	Green dot	Pharmacy	Try not to touch eye to avoid spreading
Flu	Fever, cough, sneezing, runny nose, headache, body aches and pain, exhaustion, sore throat	Yellow dot	Pharmacy	Ensure good hand hygiene
German measles	Fever, tiredness. Raised, red, rash that starts on the face and spreads downwards.	Red dot	G.P.	Back to school 6 days from on-set of rash
Glandular fever	high temperature, sore throat; usually more painful than any before and swollen glands	Green dot	G.P.	Child needs to be physically able to concentrate
Hand, foot & mouth disease	Fever, sore throat, headache, small painful blisters inside the mouth on tongue and gums (may appear on hands and feet)	Green dot	G.P.	Only need to stay off if feeling too ill for school
Head lice	Itchy scalp (may be worse at night)	Green dot	Pharmacy	
Impetigo	Clusters of red bumps or blisters surrounded by area of redness	Red dot	G.P.	Back to school when lesions crust or 48 hours after start of antibiotics
Measles	Fever, cough, runny nose, and watery inflamed eyes. Small red spots with white or bluish white centres in the mouth, red, blotchy rash	Red dot	G.P.	Back to school 4 days from on-set of rash
Ringworm	Red ring shaped rash, may be itchy rash may be dry and scaly or wet and crusty	Green dot	G.P.	
Scabies	Intense itching, pimple-like rash. Itching and rash may be all over the body but commonly between the fingers, wrists, elbows, arm	Green dot	G.P.	Back to school after first treatment
Shingles	Pain, itching, or tingling along the affected nerve pathway. Blister-type rash	Yellow dot	G.P.	Only stay off school if rash is weeping and cannot be covered
Sickness bug/diarrhoea	Stomach cramps, nausea, vomiting and diarrhoea	Yellow dot	Pharmacy	See GP if symptoms persist after 48 hours
Threadworms	Intense itchiness around anus	Green dot	Pharmacy	Ensure good hand hygiene
Tonsillitis	Intense Sore throat	Green dot	Pharmacy	See GP if temperature lasts more than 48 hours or cannot swallow
Whooping cough	Violent coughing, over and over, until child inhales with "whooping" sound to get air into lungs	Red dot	G.P.	Back to school after 5 days of antibiotics or 21 days from onset of illness

See [www.patient.co.uk](http://www.patient.co.uk) for further information on each of these conditions

This leaflet has been produced in partnership between



This information is a guide and has been checked by health professionals however, if you are unsure about your child's wellbeing we recommend you contact your pharmacy or GP to check.

## Appendix 3

### A Guide to Attendance Expectations

96%+	<b>EXCELLENT</b> - Congratulations! This will help all aspects of progress and life in school. This gives a good start in life. This is considered regular attendance.
91%-95%	<b>AVERAGE</b> - Strive to build on this and improve to above 95% to prevent lost learning hours.
85%-90%	<b>POOR</b> - Absence is now affecting attainment and progress at school. Please work with the school urgently to improve the situation. This is now classed as persistent absence.
Below 85%	<b>UNACCEPTABLE</b> - Absence is causing <b>SERIOUS CONCERN</b> . It is affecting attainment and progress and is disrupting learning. We will work with you and other agencies to improve your child's attendance. Permitting absence from school without good reason is an offence by the parent. Only the school can authorise absence. The school will not accept all reasons as valid.

### A Guide to 'Lost Learning Hours' through Poor Attendance

Descriptor	Threshold attendance	Actual attendance	Whole days of absence	Learning Hours Lost
<b>Excellent</b>	100%	190 days	0	0
	99%	188 days	2	10
<b>Good</b>	98%	186 days	4	20
	97%	184 days	6	30
	96%	182.5 days	7.5	37.5
<b>Cause for Concern</b>	95%	180.5 days	9.5	47.5
	94%	179 days	11	55
	93%	177 days	13	65
	92%	175 days	15	75
	91%	173 days	17	85
<b>Unsatisfactory</b>	90%	171 days	19	95
	89%	169 days	21	105
	88%	167 days	23	115
	87%	165 days	25	125
<b>Serious cause for concern</b>	86%	163 days	27	135
<b>Critical</b>	85%	161.5 days	28.5	142.5
	84%	159.5 days	30.5	152.5
	83%	158 days	32	160
	82%	156 days	34	170
	81%	154 days	36	180
	80%	152 days	38	190

## Appendix 4

### APPLICATION FOR LEAVE OF ABSENCE DURING TERM TIME

Leave of absence may only be granted by a person authorised in that behalf by the proprietor of the school. As from 1st September 2013, the Education (Pupil Registration) (England) (Amendment) Regulations 2013 amended Regulation 7 to prohibit the proprietor of a maintained school from granting leave of absence to a pupil, except where an advance application has been made by the parent with whom the pupil normally resides, and the proprietor considers that there are exceptional circumstances relating to the application.

Taking your child out of school during term time could be detrimental to your child's educational progress. A pupil who takes 10 days absence will only attain 94.7% attendance in the year. 10 days absence also means the pupil will miss 50 hours of education.

There is no entitlement to parents to take their child out of school during term time, however, you may apply to the school for leave of absence if you believe there are exceptional circumstances.

If the absence is not authorised and the holiday is taken, the case will be referred to the Attendance Compliance Team who may issue a Penalty Notice for £120 (or £60 if paid within 21 days) to each parent for each child taken out of school.

Name of Child	
D.O.B:	
Year:	

Date of First Day of Absence: \_\_\_\_\_

Date of Return: \_\_\_\_\_

Number of Days Requested: \_\_\_\_\_

**Important: A letter must be attached to this request, outlining the 'exceptional circumstances' for which a leave of absence is being applied for.**

Signed: \_\_\_\_\_ Dated: \_\_\_\_\_

Name: \_\_\_\_\_

#### School/office use only:

Attendance percentage preceding 12 weeks:			
Number of sessions absence this academic year:	Auth	Unauthorised	Total

## Appendix 5

### Children Missing from Education (CME)

#### Introduction

'Children missing education' (CME) are 'children of compulsory school age who are not registered pupils at a school and are not receiving suitable education otherwise than at a school.' Children missing education are at significant risk of underachieving, being victims of harm, exploitation or radicalisation, and becoming NEET (not in education, employment or training) later in life. The school will follow the statutory guidance 'Children Missing from Education': [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/550416/Children\\_Missing\\_Education\\_-\\_statutory\\_guidance.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/550416/Children_Missing_Education_-_statutory_guidance.pdf)

#### School requirements

- Schools must enter pupils on the school's Admissions Register at the beginning of the first day on which the school has agreed, or been notified, that the pupil will attend the school. If a pupil fails to attend on the agreed or notified date, the school should undertake reasonable enquiries to establish the child's whereabouts and consider notifying the local authority at the earliest opportunity.
- Schools must monitor pupils' attendance through their daily register. Schools should agree with their local authority the intervals at which they will inform local authorities of the details of pupils who fail to attend regularly, or have missed ten school days or more without permission. Schools should monitor attendance closely and address poor or irregular attendance. It is important that pupils' poor attendance is referred to the local authority.
- Where a pupil has not returned to school for ten days after an authorised absence or is absent from school without authorisation for twenty consecutive school days, the pupil can be removed from the Admissions Register when the school and the local authority have failed, after jointly making reasonable enquiries, to establish the whereabouts of the child. This only applies if the school does not have reasonable grounds to believe that the pupil is unable to attend because of sickness or unavoidable cause.
- schools are legally required to notify their Local Authority of every new entry to the admission register **within five days of the pupil being enrolled**. In addition to this, every deletion from the school register must also be notified to the Local Authority, **as soon as one of the statutory grounds for deletion has been satisfied and not later than the date on which the pupil is removed from roll**.

#### Open Box Education Centre Response to CME

- When a student enters the school, the attendance administrator will notify the local authority of the admission via the online portal within five days of enrolment. When a student leaves the school the attendance administrator will notify the local authority of the deletion from the admissions register via the online portal on the day of deletion.
- When a student is absent, the attendance administrator will record the absence in the register. As part of our safeguarding procedures, the school will endeavour to contact the parents/carers and other emergency contacts if information has not been received regarding the reason for the absence. This will happen every day of non-attendance where no call has been received informing us of absence and reasons why. Every parent/carer is expected to share at least one additional emergency contact number to their own when their child first starts the school.
- Parents/Carers are expected to phone the school on the first day of absence and each day thereafter informing the school of the reason for absence and the expected date of return to school. If no contact can be made with the parent by the end of the second day of absence, and all messages go unanswered, a home visit may be undertaken by the school or a police welfare check may be requested. The school will liaise with Essex Children's Safeguarding services for advice and support and a referral may be made to Essex Social Care if there are safeguarding concerns.
- Schools are required to inform the LA (The Education (Pupil Registration) (England) Regulations, 2006) of the details of pupils who have been absent from school for 10 continuous school days and contact cannot be made with the parent/carer to establish the reason for the absence and the absence has not been reported.

#### Safeguarding

The school has a safeguarding duty in respect of its pupils, and as part of this will investigate any unexplained absences. Where there are safeguarding concerns about any child, the school will always follow its Safeguarding and Child Protection Policy, which includes reporting to the local authority.

## Appendix 6

### ESSEX CODE OF CONDUCT PENALTY NOTICES FOR PARENTS OF TRUANTS AND PARENTS OF PUPILS EXCLUDED FROM SCHOOL ANTI-SOCIAL BEHAVIOUR ACT 2003 SECTION 23

The purpose of this local code of conduct is to ensure that the powers are applied consistently and fairly across the Local Authority area to all Essex residents.

The Government requires Local Authorities to issue a code of conduct and any persons issuing Penalty Notices to a parent must do so in accordance with this protocol. Essex County Council is legislatively responsible for administering the Penalty Notice scheme and will do so in accordance with a number of legislative and non-legislative requirements.

The Essex code has been agreed following consultation with;

- Essex County Council representatives – Attendance Compliance Team and Essex Legal Services.
- Representatives from Governing Bodies and Headteachers of Essex Schools
- Essex Police
- Persons accredited under Essex Police's Community Safety Accreditation Scheme (CSAS)

The Code of Conduct is in accordance with the following legislation;

#### LEGISLATIVE FRAMEWORK FOR EDUCATION PENALTY NOTICES

The legal framework governing school attendance and the responsibilities of parents of excluded pupils, schools and the LA is set out in a succession of acts, regulations and other guidance.

#### **Education Act 1996**

Under Section 7 of the Act: the parent is responsible for making sure that their child of compulsory school age receives efficient full time education that is suitable to the child's age, ability and aptitude and to any special educational needs that the child may have, this can be by regular attendance at school, or otherwise (the parent can choose to educate their child themselves). If it appears to the LA that a child of compulsory school age is not receiving a suitable education, either by regular attendance at school or otherwise then they must begin procedures for issuing a School Attendance Order under Section 437 of the Education Act 1996.

If a child of compulsory school age who is registered at a school fails to attend the school regularly the parent is guilty of an offence under Section 444(1) of the Education Act 1996. In addition, if it can be proved that a parent knew of the child's non-attendance and failed to act, then they may be found guilty under Section 444(1 A). This offence (known as the higher or aggravated offence) can lead to a warrant being issued compelling a parent to attend court and conviction may result in a higher level fine and/or a custodial sentence.

On 6 April 2017, in the case of *Isle of Wight Council v Platt* [2017] UKSC 28, the Supreme Court ruled that the word 'regularly' means 'in accordance with the rules prescribed by the school.'

#### **Anti-social Behaviour Act 2003**

<http://www.legislation.gov.uk/ukpga/2003/38/contents>

The Act added two new sections (444A and 444B) to the Education Act. It introduced penalty notices as an alternative to prosecution under Section 444; the issuing of penalty notices is governed by:

- The Education (Penalty Notices) (England) Regulations 2007

- The Education (Penalty Notices) (England) (Amendment) 2013

<http://www.legislation.gov.uk/uksi/2013/757/contents/made>

Children Act 1989

<http://www.legislation.gov.uk/ukpga/1989/41/section/36>

Crime and Disorder Act 1998

<https://www.legislation.gov.uk/ukpga/1998/37/section/16>

Education and Inspections Act 2006

<http://www.legislation.gov.uk/ukpga/2006/40/contents>

The Education (Pupil Registration) (England) Regulations 2006 (Amended 2013)

<http://www.legislation.gov.uk/uksi/2013/756/regulation/2/made>

### **AUTHORISATION TO ISSUE PENALTY NOTICES**

Primary responsibility for issuing penalty notices rests with the Local Authority (LA). It has been agreed that the Attendance Compliance Team, on behalf of Essex LA, will usually issue penalty notices. The Service will administer the scheme from any funds obtained as a result of issuing penalty notices.

Head Teachers (and Deputy Head Teachers and Assistant Head Teachers authorised by the head teacher) and police, and persons accredited by the community safety accreditation scheme are all able to issue the notices under the Act, although there is no requirement for them to do so.

In Essex it has been agreed that the Police and Head Teachers will not issue penalty notices to parents. Persons accredited through the Community Safety Accreditation Scheme are authorised to do so.

### **CIRCUMSTANCES IN WHICH A PENALTY NOTICE MAY BE ISSUED**

Penalty Notices apply to pupils of statutory school age, which commences the term immediately following the child's 5th birthday and finishes on the last Friday in June of school year in which they turn 16.

Penalty notices will only be issued as a conclusion to a series of processes and when all attempts to address school attendance matters have been unsuccessful. If a previous Penalty Notice has been unsuccessful, rationale and justification should be provided as to why issuing another Penalty Notice would improve the attendance of the student. If schools are not aware of any previous or current legal interventions they must email [attendancecompliance@essex.gov.uk](mailto:attendancecompliance@essex.gov.uk). A response will be sent within 3 working days.

Parents cannot be penalised more than once for the same period of absence.

Domestic and European legislation and case law makes it clear that when serving a formal Notice in criminal proceedings, the recipient must be clearly and unambiguously identified. For the Purpose of issuing a Penalty Notice under this Code, the parent's first and last name must be cited on the Notice and any covering letter.

Essex partners have agreed to use Penalty Notices for the following circumstances however the offence under s444 Education Act 1996 is the same whether issued for unauthorised leave of absence (ULA) or irregular school attendance (ISA):

### **Penalty notices for unauthorised leave of absence (ULA)**

Penalty Notices may be issued where there have been at least 10 consecutive sessions of unauthorised absence for the purpose of a holiday, whereby a parent made an application to the School which the Head Teacher has deemed not for exceptional circumstances. In addition, a Penalty Notice may also be issued, whereby the parent did not submit a leave of absence request, however the school have reason to believe the absence was for the purpose of a

holiday and should not be authorised as parent has not provided any additional evidence which the Head Teacher deems appropriate to support the absence.

In addition to the above criteria, due to the importance of pupils settling into school at the commencement of the school year, Penalty Notices may also be issued if there have been at least 6 consecutive sessions of unauthorised absence during the first two weeks of September due to a term-time holiday.

The Local Authority requests that for Penalty Notices to be issued, parents must be duly warned of the legal ramifications under separate cover if they remove their child from school for the purpose of a holiday. Schools/Academies must reference the use of Penalty Notices within their Attendance Policy which must be available to all parents/carers online and/or in hard copy within the school, accessible to parents to read. Schools should remind parents of the protocol regarding leave of absence during term time.

### **Penalty Notices for Irregular School Attendance (ISA)**

Penalty Notices may be issued where there has been at least 10 sessions of unauthorised absence during the previous 10 school weeks.

Parents must have been issued with a Legal Action Warning Letter with accompanying Legal fact sheet and given opportunities to inform the school of any factors impacting on their ability to ensure their child attends school regularly. Warning letters are valid for 18 calendar weeks.

The Local Authority advises that the following template is used for irregular school attendance referrals as this has been specifically designed to enable the progression of cases if appropriate. This letter must be on headed paper from the school or accredited persons issuing the notice. The legal fact sheet must be included

[https://schools.essex.gov.uk/pupils/Attendance\\_Compliance/Documents/Legal%20Action%20Warning%20Letter%20for%20schools.docx](https://schools.essex.gov.uk/pupils/Attendance_Compliance/Documents/Legal%20Action%20Warning%20Letter%20for%20schools.docx) .

Failure to adequately issue warning to parents may result in the Penalty Notice being withdrawn or not issued.

All penalty notice referrals or notifications from Accredited Persons must be sent via Essex County Council's online portal and all relevant pre-referral work in accordance with the Local Authority requirements must be uploaded alongside the referral/notification.

The Local Authority must be satisfied that the substantive offence in accordance with s.444 Education Act 1996 has been committed prior to issuing a Penalty Notice.

Evidence of attempts to address attendance concerns within the previous 8 weeks prior to requesting or notifying of a Penalty Notice must be submitted. Satisfactory evidence includes letters, notes of home visits, meetings, telephone calls etc.

N.B. for ULA and ISA PN's consideration should always be given to whether it is appropriate to issue to absent parents.

Number of Penalty Notices which can be issued for Irregular school attendance/unauthorised leave of absence

Discretion will be used to enable up to two penalty notices to be issued to each parent for each child within a twelve month period. If the law continues to be broken around school attendance the Attendance Compliance Team may instigate legal proceedings.

Number of Penalty Notices which can be issued for pupils identified during a school attendance and exclusion sweep

School attendance and exclusion sweeps take place in Essex and children stopped are often with parents condoning the absence.

If the Head Teacher has not authorised the absence of a pupil stopped by a Local Authority Officer and Police Officer on a sweep and there has been at least 9 unauthorised absences for that pupil during the preceding 10 schools weeks, school will issue a legal action warning letter to the parent within 14 days. If there are any further unauthorised absences, during the following 18 calendar weeks a referral to the Attendance Compliance Team may be submitted for a Penalty Notice to be issued.

Essex will issue no more than two penalty notices to a parent in a twelve month period for pupils identified on a school attendance and exclusion sweep. If the law continues to be broken around school attendance the Attendance Compliance Team will instigate legal proceedings.

### **Excluded children**

When a child is excluded from school, the parent will be responsible for ensuring that their child is not found in a public place during normal school hours on the first five days of each and every fixed period or permanent exclusion. (Section 103 Education and Inspections Act)

The excluding school must have notified the parent informing them of their duty and warning that a penalty notice could be issued.

Where there is more than one person liable for the offence, a separate penalty notice may be issued to each person.

Where a pupil is present in a public place in the first five days of a fixed period exclusion the Essex Local Authority would issue a penalty notice if the school is in their area. Where the child has been permanently excluded, it would be the authority where the child resides.

Number of penalty notices which can be issued for exclusion

Essex will issue a maximum of 2 penalty notices per parent for each child during a 12 month period.

Number of penalty notices which can be issued for unauthorised leave of absence

Essex will issue no more than two penalty notices to a parent in a twelve month period for unauthorised leave of absence. If the law continues to be broken around school attendance, the Attendance Compliance Team will consider further legal interventions.

### **PAYMENT OF PENALTY NOTICE**

The penalty for each parent issued with a Penalty Notice is £120 for each child, however if paid within 21 days of receipt of the notice, it is reduced to £60. (Service by post is deemed to have been effected, unless the contrary is proved, on the second working day after posting the notice by first class post).

All penalties are paid to the LA and revenue generated is retained to administer the system and contribute towards s444 prosecutions following the non-payment of the Penalty Notice.

If the penalty is not paid in full by the end of the 28 day period, the Attendance Compliance Team will either prosecute for the offence to which the notice applies or withdraw the notice. The prosecution is not for non-payment of the notice but is a prosecution for irregular school attendance – Education Act 1996 Section 4441.

There is no statutory right of appeal against the issuing of a penalty notice.

### **WITHDRAWAL OF PENALTY NOTICE**

A penalty notice may be withdrawn by the local authority named in the notice under the following circumstances:

- Where the local authority deems it ought not to have been issued i.e. where it has been issued outside the terms of the local code of conduct or where the evidence does not support the issuing of a penalty notice
- It appears to the local authority that the notice contains material errors
- Where it has been issued to the wrong person named as the recipient.

## **CO-ORDINATION BETWEEN THE LOCAL AUTHORITY AND ITS LOCAL PARTNERS**

The Attendance Compliance Team and its local partners will review this Code of Conduct bi-annually unless local needs require otherwise.

## **VERSIONS**

Original Code of Conduct was introduced in September 2004.

Most recent revision - November 2017

Revised March 2019 for implementation from April 2019