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# **SCHOOL ATTENDANCE**

**Managing the attendance and absence of students**

Gillingham School

Hardings Lane, Gillingham

Dorset, SP8 4QP

## **This document is informed by:**

### **Statutory Guidance:**

The Education Act 1996 & amendments 2002 & 2011

The School Attendance (Pupil Registration) (England) Regulations 2024

The Education (School Day and School Year) (England) Regulations 1999

The Education and Inspections Act 2006

The Education (Penalty Notices) (England) (Amendment) Regulations 2007 & amendments 2012 & 2013

The Children Act 1989 & 2004

The Education and Skills Act 2008

DfE Working Together to Improve School Attendance Statutory Guidance August 2024

DfE Keeping Children Safe in Education (KCSIE) Statutory Guidance 2024

DfE Children Missing Education Statutory Guidance September 2016

DfE Supporting Pupils at school with Medical Conditions Statutory Guidance 2015 DfE Working Together to Safeguard Children Statutory Guidance Dec 2023 Alternative Provision Statutory guidance for local authorities January 2013

### **Non-Statutory Guidance (Best Practice):**

Dorset Council: Promoting Educational Attendance in Dorset. (2024-2025)

DfE Arranging education for children who cannot attend school because of health needs Guidance (Dec 2023)

DfE Guidance Summary of responsibilities where a mental health issue is affecting attendance (Feb 2023)

DfE Support for pupils where a mental health issue is affecting attendance: Effective practice examples (Feb 2023)

Anna Freud – National Centre for Children and Families: Addressing emotionally-based school avoidance.

DfE Providing Remote Education Guidance (Jan 2023)

DfE Parental Responsibility Measures Guidance (Jan 2015)

## **Section 1: Rationale:**

Partnerships between our pupils, their parents and carers, class teachers/ tutors, the Heads of Year, and the Senior Leadership Team (SLT), are vital in securing excellent attendance for all and the best possible progress for pupils. This policy aims to support families to have the highest attendance and punctuality possible by outlining the responsibilities of all, and explaining the procedures related to attendance.

We believe passionately that every child has a right to access the education to which he/she is entitled. Parents, carers and all colleagues in school share the responsibility for ensuring that attendance at school is maximized and that unjustified and unauthorised absenteeism is kept to a minimum.

High levels of attendance at school significantly impact upon academic and developmental outcomes. The law relating to school attendance states in Section 7 of the Education Act 1996 that the parent/carer of every child of compulsory school age\* shall cause him/her to receive fulltime education suitable:

a. to their age, ability and aptitude and

b. to any additional educational needs he/she may have, either by regular attendance at school or otherwise.

(the Supreme Court ruling on 6<sup>th</sup> April 2017 stated that 'regularly' means 'in accordance with the rules prescribed by the school')

*\*Compulsory school age begins at the start of the term following the child's 5<sup>th</sup> birthday and ends on the last Friday in June of the school year when they reach 16. From September 2015 all 16-year-olds will be required to continue in education or training until their 18<sup>th</sup> birthday.*

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

a) We will follow the Department of Education (DfE) Statutory Guidance which includes accurately recording registers and sharing daily data with the DfE, along with using that data to identify where early support may be required to remove barriers to education by working in partnership with families and collaboratively other agencies, to achieve the best outcomes for children using a 'support first' approach.

b) We recognise the importance of every child accessing their right to education and as research shows students who achieve their potential also have higher attendance levels, we want to work with families to achieve good outcomes for their child. Every moment matters!

c) We also recognise that absence can interrupt and damage a child's learning and wellbeing, as well as disrupting teaching routines which may also affect the learning of others so we will ensure all staff (teaching & support) understand their role and set good examples by modelling behaviours expected of others e.g., communication, compassion and habits like good attendance, and punctuality.

d) We understand that absence can be linked to several factors, including but not limited to, trauma, physical and mental health, socio-economic circumstances and learning needs, therefore we will work to provide an environment in which all our students feel safe, are eager to learn and look forward to coming to school every day.

e) We believe this policy helps us all to keep students safe, healthy, and able to participate in their education and community, in turn supporting learning, achievement and transition to become successful adults.

## **Section 2: Promoting Good Attendance & Punctuality: Our commitment and responsibilities:**

The foundation for good attendance is a strong partnership between the school, parents/carers and the child. This policy aims to support families to have the highest attendance and punctuality possible by outlining expectations and responsibilities of all, and explaining the procedures related to attendance.

To help us all to focus on this we will:

- Report to parents/carers on how their child is performing in school, what their attendance and punctuality rate is and how this relates to their attainment;
- Celebrate good attendance: individual, Tutor Group, and Year Group achievements;
- Reward good or better and improving attendance through school competitions and rewards;
- Set targets for the school and for Years/ Tutor Groups for attendance;
- Conduct meetings with parents and carers, pupils and colleagues to work together on raising attendance levels individually, by groups and across the school.

### **2.1 Roles and Responsibilities:**

A member of SLT will oversee, direct and co-ordinate the school's work in promoting regular and improved attendance and will ensure the Attendance Policy is consistently applied throughout the

school. This person will also ensure that attendance is both recorded accurately and analysed. (S)he will work alongside the Attendance Manager; Year Team Attendance leads and Pastoral Managers and Tutors to ensure that attendance issues are identified at an early stage and that support is put in place to deal with any difficulties. This support will be reviewed and quality assured once a term.

If absence is frequent or continuous, except where a child is clearly unwell, colleagues will discuss with parents/carers the need and reasons for their child's absence and will encourage them to keep absences to a minimum. A note or explanation from a pupil's home does not mean an absence becomes authorised. The decision whether, or not to authorise an absence rest with the school.

#### **Responsibilities of a Class Teacher/Tutor are to:**

- Ensure that all pupils are registered accurately in the morning and afternoon so that students are accounted for and follow up action can be taken promptly for absences.
- Ensure that tutees' attendance is reviewed daily and codes amended where appropriate;
- Promote & reward good attendance with pupils at all appropriate opportunities;
- Note trends of absence at individual and key group level and liaise with Head of Year on interventions.
- Class teachers to ensure that students who are absent/suspended or working in the Student Guidance Centre do not fall behind in their studies. Full use to be made of Microsoft Teams platform to support this.
- Ensure that any student with identified risk of truancy is referred immediately to the Pastoral Hub and Reception staff if they do not attend lesson but have registered that day.

#### **Responsibilities of a Head of Year are to:**

- Liaise with the Attendance Manager on matters of attendance and punctuality;
- Promote & reward good attendance with pupils at all appropriate opportunities;
- Communicate any concerns or underlying problems that may account for a child's absence and to monitor any safeguarding issues;
- Track attendance trends by tutor group and by key groups/bands of attainment, and set priorities for intervention with the Tutor Team/SLT link;
- Ensure that the annual quality assurance work carried out by year teams has at least one attendance focus;
- Ensure that police have been contacted by Reception and/or Pastoral Hub staff if a student with PSP for 'Internal Truancy/Flight risk goes missing and is believed to be off-site during the school day and a parent/carer cannot be contacted;
- To liaise with key stakeholders in the local community (police, targeted youth workers, social care etc.) regarding students who have been identified through PSPs as being at risk of 'Internal truancy/flight risk' to ensure they know to contact school if seen around the town in school hours.

#### **Responsibilities of Pastoral Hub and Reception Staff**

- Lesson by lesson monitoring of students with PSP for truancy;
- Inform parents if staff believe students have left school site; if parents cannot be contacted to inform police immediately.

- An automated text will be sent home informing parents if a pupil does not register in the morning.
- When a child is absent and no contact has been received from the family or wider concerns exist, a safe and well home visit will be made as part of our safeguarding processes. These visits will be risk assessed and can take place any time between day 1 and 5 of absence. Where long term absence occurs, we will aim to visit fortnightly. Visits will be face to face at the family home but on occasions can be by virtual means where agreed. We will work with Children's Social Care if required to acquire intense support. All staff have access to a trained Designated Safeguarding Lead to support this process.

### **Responsibilities of Pupils are to:**

- Aspire to attend every day unless they are ill or have an authorised absence;
- Arrive to school on time ready to learn unless there are exceptional causes/reasons for absence;
- Go to all their class/tutor times and lessons on time;
- Ensure that they have caught up on any work missed through absence with the support of their classroom teachers.
- Take responsibility for signing out in Reception if they are late or are leaving the school site during school hours.
- It is expected pupils will ensure someone (parent or member of staff) knows why they are having difficulties or are worried about school so that conversations can take place to support them.

### **Responsibilities of Parents and Carers:**

Ensuring a child's regular attendance at school is a parent/carer's legal responsibility and permitting absence from school that is not authorised by the school creates an offence in law.

Parents and carers will:

- Inform the school on the first day of absence;
- Discuss with the Deputy Head responsible any planned absences well in advance;
- Support the school with their child in aiming for 100% attendance each year;
- Make sure that any absence is clearly accounted for by a phone message left on the absence line; a message sent via Edulink or a written note;
- Avoid taking their child out of school for non-urgent medical or dental appointments;
- Only request leave of absence if it is for an exceptional circumstance and complete the relevant form (available from the school reception or on the school website) for the attention of the Assistant Head Teacher and Attendance Officer, Lisa Hogg;
- Provide medical evidence to support reasons for absence when requested by the school.

## **3.2 Truancy**

The school is building a wider support network with our local community resources and the police in respect of our responsibilities to safeguard your children. We make every attempt to discourage our students from leaving the school without permission; however, these are occasionally not successful. If your child chooses to leave the school site during the school day, we will always notify you in the first instance and without delay. We will also inform the police if we know or believe your child to be at risk of harm and/or criminality in the wider community or if we are unable to contact you.

If your child leaves the school during the school day and is identified and located within the community, we will inform you immediately. We will expect you to ensure your child is then returned to school. In line with our attendance policy and procedures, if this does not happen, we need to

remind you that they will be marked as absent without authorisation. We trust that you will support us in our duties and responsibilities to keep your child safe and well.

### **Keeping Children Safe in Education, 2023: *Children absent from education***

*All staff should be aware that children going missing, particularly repeatedly, can act as a vital warning sign of a range of safeguarding possibilities. This may include abuse and neglect, which may include sexual abuse or exploitation and can also be a sign of child criminal exploitation including involvement in county lines.*

If you have concerns that your child may be at risk of exploitation, please speak with or contact one of our Designated Safeguarding Leads ([safeguarding@gillingham-dorset.co.uk](mailto:safeguarding@gillingham-dorset.co.uk)), without delay. We will then consider what actions are urgently needed to support and safeguard your child.

### **Duties of the Local Authority (LA)**

The local authority has statutory powers to bring legal action against parents/carers who:

- Fail to ensure regular attendance at school of a registered pupil
- Fail to ensure their child is receiving a suitable education – either by regular attendance at school or at a place where alternative provision is provided for them.

### **The School Attendance Service**

The School Attendance Service aims to: -

- Establish consistent county-wide legal advice and action on school attendance
- Offer advice, support and guidance to schools on whole school approaches to attendance
- Provide advice and support to school staff on school specific issues and individual cases
- Seek and share good attendance practice

### **Relevant legislation**

Only local authorities can prosecute parents/carers. \*

*\*In education law, and for the purposes of this document, the definition of a parent is as described in The Education Act 1996, Section 576. A parent means:*

- *All natural parents, whether they are married or not*
- *Any person who has parental responsibility for a child or young person, and*
- *Any person who has care of a child or young person i.e. lives with and looks after the child.*

*The local authority and school will need to decide who comes within the definition of parent/carer in respect of a particular pupil when using the legal measures, but generally parents/carers include all those with day-to-day responsibility for a child.*

*Gillingham School shall:*

- Monitor pupils' attendance closely through the daily register and address poor, irregular or non-attendance
- Make reasonable enquiries, jointly with the LA, to establish the whereabouts of the child before deleting them from the register
- Agree the intervals in which you'll inform your LA of pupils who are regularly absent or have missed 10 school days or more without permission
- As a maintained school we have safeguarding duties under section 175 of the Education Act 2002 to investigate any unexplained absences.
- Arrange full-time education for excluded pupils from the sixth day of a fixed-period exclusion

### **Section 3: Recording Attendance:**

Legally the register must be marked twice daily. This is once at the start of the school day and again for the afternoon session:

If a pupil arrives in their tutor time between 0850 and 0930 the attendance will be registered as L. If a pupil has not arrived in their class by 0930, they will be registered as N.

#### **3.1 Lateness /Punctuality**

It is important to be on time at the start of the morning and afternoon school registration sessions and to lessons. The start of school/lessons are used to give out instructions or organise work. If your child is late, they can miss work, time with their tutor/class teacher getting vital information, cause disruption to the lesson for others, and can be embarrassing leading to possible further absence.

- **The school day begins at 0910 and all pupils are expected to be in school at the appropriate time.**
- All lateness is recorded daily. This information will be required by the courts, should a prosecution for non-attendance or lateness be necessary.
- Arrival after the close of registration will be marked as unauthorised absence code 'O' in line with county and DfE guidance. This mark shows them to be on site but is legally recorded as an absence.
- If a pupil is frequently arriving after the attendance register has closed, the parent/carer is committing an offence by failing to ensure that the child is receiving full-time education and the parent/carer may therefore be issued with a Penalty Notice or prosecuted under the Education Act 1996, Section 444.
- If a pupil is late due to a medical appointment, they will receive an authorised absence coded 'M'. Please be advised that where possible doctors and dentists appointments are to be made outside of school hours or during school holidays.

Pupils who are consistently late are disrupting not only their own education but also that of the other pupils. On-going and repeated lateness is considered as unauthorised absence and can be subject to legal action (see section 6 for further details).

If a student has 3 or more lates in a week, parents will automatically be contacted by email to flag this up. The student will then be met by the year team who will discuss supportive measures to ensure better punctuality. Lates caused by inconsistent school transport will not form part of this.

Parents and carers of pupils who have patterns of lateness will be contacted to discuss the importance of good time keeping and how this might be supported and achieved. If lateness persists parents and carers will be invited to discuss the problem and ways to support. If support is not appropriate or is declined and a child has 10 or more sessions of unauthorised absence due to lateness recorded in any 12 week period it may result in Dorset County Council issuing parents/carers with a penalty notice in accordance with Dorset CC policy for issuing penalty notices for non-attendance (See section 6 of this policy for further details).

#### **Section 4: Parents' and Carers' Information: What to do if my child is absent?**

##### **First Day Absence:**

A child not attending school is considered a safeguarding matter. This is why information about the cause of any absence is always required.

If your child is absent, you must:

- Contact the school on the morning of the first day of absence via the absence line or by using Edulink. Information received by Phone is used to update the registers.

If your child is absent, we may:

- Telephone or text you on the first day of absence if we have not heard from you. This is because we have a duty to ensure your child's safety as well as their regular school attendance;
- Invite you in to discuss the situation with our Attendance Manager and/or Head of Year if absences persist.
- Refer the matter to the School Attendance Panel chaired by a Dorset Attendance & Inclusion Lead, if absence is unauthorised and falls below 90%.

##### **Ten Day's Absence:**

We have a legal duty to report the absence of any pupil who is absent without an explanation for 10 consecutive days. If the child is not seen and contact has not been established with the named parent/carer then the Local Authority is notified that the child is 'at risk of being missing'. Children's Services Staff will visit the last known address and alert key services to locate the child. Parents/carers have a responsibility to ensure their contact details are up to date.

##### **Continued or On-going Absence:**

If your child misses 10% (3 weeks / sessions) or more schooling across the school year for whatever reason they are defined as a persistent absentee. Whether this absence is authorised/unauthorised, the school may invite parent/carers to discuss the issues and agree an action plan to support the parent/carer/child.

##### **Request for Leave of Absence:**

Amendments to school attendance regulations were updated and enforced from September 2013 thus:

'Head teachers may not grant any leave of absence during term time unless there are exceptional circumstances. It is important to note that Head teachers can determine the length of the authorised absence as well as whether absence is authorised at all. The fundamental principles for defining 'exceptional' are rare, significant, or unavoidable which means the event could not reasonably be scheduled at another time. There are no rules on this as circumstances vary from school to school and family to family. There is, however, no legal entitlement for time off in school time to go on holiday and in the majority of cases holiday will not be authorised.'

Parents/Carers wishing to apply for leave of absence need to complete an application for Leave of Absence, in advance, and before making any travel arrangements. This can be collected from the school's main reception.

If term time leave is taken without prior permission from the school, the absence will be unauthorised and if the number of sessions absent hits the thresholds set down by Dorset CC of 10 ½ day sessions or 5 full days, parents/carers may be issued with a penalty notice or other legal action in accordance with the code (see section 6 for details).

Taking holidays in term time will affect your child's schooling as much as any other absence and we expect parents/carers to work in partnership with us by not taking children out during school time.

### **Procedures:**

#### a) Day to Day Process:

- i. Once the registration has closed, if contact has been made by the family and a reason for absence is given, this will be recorded on the register with either an authorised or unauthorised absence code as appropriate.
- ii. If students are attending an alternative appropriate provision for education, the school will have daily arrangements with the provision to pass on registration information if the student is absent. Parent/Carers are required to notify the provision of the absence in the first instance; however, if absence is reported to the school, this will be passed on.
- iii. All students who are marked absent and no contact has been received will be marked as N code (no reason given). If no reason has been established by day 5 of the absence, the register must be updated to an unauthorised absence (O code).
- iv. If no contact is received, for the purposes of keeping the child safe, it must be assumed that the child is on their way to school and if they do not arrive, the absence will be followed up by 9.30am. This may be by telephone, email, or text.
- v. If the absence highlights a concern, due to reason given, frequency or pattern of absence, or no contact received, we will assess if another action is required e.g., a conversation, a home visit, an email, or letter to advise of the concern and offer support or a meeting may be arranged.
- vi. During or after an absence we will ensure verbal reasons for absence are recorded on the database, but it is helpful if parent/carers confirm the reason for the absence in a written format.
- vii. We will offer initial support using in school and early help pathways (except for Exceptional Leave of Absence cases where planned absence has been unrequested or not agreed). This will be done initially by having conversations, email communication, using Pastoral Support Plans, and awareness letters where needed; any letters used at this point will be to confirm information and raise awareness.
- viii. At Step 2 of our process, if absence is all or part unauthorised, we will ensure that parents are aware their child is 'At Risk of Becoming a PA'. This will be done either by letter or where required an invitation to attend a meeting to create a Student Support Plan.
- ix. If concerns continue, we will offer Step 3 of our process, the option of engaging in an Attendance Contract. Attendance Contracts are a voluntary, nurturing and supportive process of approx. 3-6 months (although can be longer). If there are concerns the contract is not working, we will make you aware using a concern letter.

x. If during Step 2 & 3 there has either been no engagement with communication or support offered, it has been established no support is required, or there appears to be no authorised reasons for absence, we will proceed to Step 4 and issue either a Warning Letter; following failure of Step 3 Attendance Contract or if Step 3 was not required or declined, a Notice to Improve Letter. If improvement occurs, we will acknowledge that with an Improvement but Monitoring Letter.

xi. Where absence continues, a notification of legal action will be issued to confirm a referral to the LA is being done. The LA would then consider next steps and confirm them in writing.

b) Data Tracking & Monitoring:

i. Attendance data of all students will be monitored and tracked to identify patterns and overall levels of absence. This is to identify individuals or specific groups of students who may need additional support to attend school and inform strategic planning of incentives, interventions to change policies or practice to remove general barriers to accessing education.

ii. Information will be distributed to Senior Leaders for strategic oversight. Information will also be distributed to the academy's learning and support teams e.g., SENDCo, Inclusion, Behaviour, Attendance, Safeguarding, Curriculum Leads/Pastoral Leaders/Tutors/Class Teachers to raise awareness and so that discussions can take place to plan in-school support and conversations (academic or welfare) with students where appropriate (age allowing) to offer direct support and encouragement and with parents/carers to raise their awareness.

iii. We will report data to the LA as required for admission and leavers from roll, all students who have 10 consecutive days O coded (unauthorised) absence, all students who have 10 sessions or more of G coded (unauthorised) absences that require legal action, and all students who have 15 consecutive days of I coded (illness) sessions recorded.

### **Section 5: Understanding types of absence – Authorised & Unauthorised:**

Types of Absence. Every half-day = one session. One whole day = two sessions. Absence from school must be classified by the school as either AUTHORISED or UNAUTHORISED. This is why information about absence is sought from parents/carers.

a) Unauthorised absence is where the Headteacher/Principal or their designated staff members do not consider it reasonable to be absent due to the reason given, or overall level of concern, and/or for which no "Term Time Absence Request" has been received.

i. The above includes but is not limited to parents/carers keeping children off school unnecessarily e.g., looking after other children, birthdays, shopping trips, truancy before or during the school day, unexplained absences, late arrival at school after registration has closed, holidays, cheaper holidays/flights, visiting family or friends, unagreed leave, family wedding of more than 1 day, or absence that has no exceptional cause evident, medical treatment overseas (unless it was an emergency treatment whilst abroad as part of a pre-authorised absence).

ii. Unauthorised absence can lead to the academy submitting evidence to their LA for financial penalties/sanctions using The National Framework for Penalty Notices and/or legal proceedings to be investigated/considered using the Police and Criminal Evidence Act 1984 (PACE).

b) Authorised absence may be for illness, medical/dental appointments (which unavoidably fall within the school day), emergencies or other short exceptional cause/circumstance that is unavoidable and the Headteacher agrees the absence is necessary. It is the Headteacher who decides if an absence should be authorised as per the DfE Guidance. Where possible, parents sharing supportive information

with the school is beneficial to working together to ensure absence is recorded accurately and support can be put into place quickly where needed.

i. Although reasons given for absence will be recorded, the absence may not be authorised if the reason is not deemed appropriate, reasonable, or if there are ongoing attendance concerns.

ii. A 'concern' may be where absences are frequent, or have a pattern, thus giving the school reason to fulfil their duty to explore and subsequently support or challenge.

iii. 'Exceptional Circumstances' are not specified by the Government therefore the Headteacher will decide based on the information and/or evidence provided by parents/carers, ensuring they consider each individual request and are consistent with their decisions.

c) Persistent Absence (PA) is where a student misses 10% or more of their education within a specific period (e.g., whole academic year, term, or for a 10-week period) for any reason.

i. A student is a 'PA' if they meet the 10% threshold with either authorised or unauthorised absence. The difference will be in how the absence is treated in terms of action required e.g., both will be explored and supported but unauthorised absence can lead to legal action.

ii. Persistent Absence may cause damage to the student's educational prospects and parental support and co-operation is essential to ensure the student is supported to access their education.

iii. Any student that is at risk of moving towards the PA level is monitored carefully and conversations will be held to discuss what interventions (mentoring, reasonable adjustment etc.) are needed to improve the situation.

d) Severe Absence (SA) is where a student misses 50% or more of their education within a specific period (e.g., whole academic year, term, or 10-week period) for any reason.

i. Absence at 'SA' level is very likely to be detrimental to the student's educational prospects and full parental support and co-operation is essential to ensure the student and family access a 'whole family plan' to ensure appropriate support and education is accessed.

ii. Where all avenues of support fail and severe absence continues for unauthorised reasons, this may constitute 'Neglect' depending on the circumstances, and both schools and LAs should consider whether the safeguarding issues require a full Children's Social Care Assessment to assess if intense support is required.

e) Medical and SEND barriers to physical attendance in school (e.g. where a student has a long-term medical condition, or their SEND support requires more appropriate education) will be explored and supported using the DfE Guidance Arranging education for children who cannot attend school because of health needs, Guidance Summary of responsibilities where a mental health issue is affecting attendance and Supporting Pupils at School with Medical Conditions and Meridian Trust's policies on Supporting Children with Medical Needs and Supporting Children with Health Needs Who Cannot Attend School.

i. Where a child's presentation indicates an additional or unmet need, an emerging medical need or is 'known' to have a medical or SEND barrier to attending school (with or without an official diagnosis), the above guidance helps to ensure that access to education is provided whilst the child is being supported, being assessed and/or awaiting treatment. The school will also liaise with Inclusion colleagues at a county level to see advice on how best to provide support.

ii. Supportive Information can be helpful in demonstrating why absence is being authorised and therefore why attendance is not being enforced. It is always helpful for

parents/carers to share whatever is freely available to reinforce reasons for absence.

iii. Medical Information will only be 'required' to authorise absences IF attendance concerns have reached an Attendance Contract meeting level, or if a student's attendance is within the legal arena i.e., a Notice to Improve or Warning Letter has been issued.

iv. Please note, any cost of providing information will be the responsibility of the parent/carer; however, support to obtain it in the interests of 'working together to safeguard children' can be given by the school at its discretion.

v. To cover safeguarding duties, regular contact will be made to ensure students have continued connection to the school. This may involve telephone calls, video calls, home visits by staff or if appropriate, visits to the school by student.

## **Section 6: Legal Action**

### **Penalty Notices for Non-Attendance and other Legal Measures:**

In education law, parents/carers are committing an offence if they fail to ensure the regular attendance of their child of compulsory school age at the school at which the child is registered, unless the absence has been authorised by the school.

### **Legal Measures for tackling persistent absence or lateness:**

Dorset Schools and Dorset County Council will use the full range of legal measures to secure good attendance when all other support has been exhausted. Legal measures will be considered through a referral to Dorset's School Attendance Team.

The National Framework for Penalty Notices and Legal Interventions:

- i. We have a duty to prevent absence, work together with parents/carers and offer support to prevent prosecution being necessary, however if the level of attendance continues to be unsatisfactory after barriers have been addressed/removed/resolved, we also have a duty to consider whether a Penalty Notice is appropriate, or if more intensive support is required by collating information of non-attendance and reporting to the LA to decide what action is taken.
- ii. All planned absence must be requested in advance and failing to do so will mean the absence will be recorded as unauthorised which can lead to legal action being taken.
- iii. If absence is due to emergency circumstances, it is expected that some form of communication to advise of unplanned absence and its circumstances is done at the earliest point e.g., if an emergency hospital visit is required when the school is closed, an email could be sent to advise of the situation.
- iv. Penalty Notices are not always an appropriate action. Guidance states that support must be considered first (with exception to unagreed Term Time Absence which doesn't require support) and the full range of legal interventions should be used rather than relying on penalty notices. These can include Attendance Contracts, prosecution in the Magistrates' Court under Section 444(1) or (1a) of the Education Act 1996 for failing to ensure a child of compulsory school age regularly attends their education, or Parenting or Education Supervision Orders through the Family Court system as an alternative to prosecution.
- v. Where any absence appears to require support, we are obliged to explore the absence (we do this via emails, conversations, letters, Pastoral Support Plan meetings) and offer support. Where initial support does not improve attendance, we have a duty to offer an Attendance Contract prior to considering a Penalty Notice. An Attendance Contract is a nurturing, supportive action to support families to remove barriers to education and attendance over a 3-6-month period. If an Attendance Contract is attempted but fails, a warning letter must be

issued to the parents/carers to give a final opportunity to improve the attendance and re-engage with support.

- vi. Where a Penalty Notice is being considered, parents/carers must have been warned in writing; this is done by our annual attendance letter reminding you of our policy and procedures. However, for absence that does not require support i.e., a single period of 'holiday' absence, this warning will be part of the Principal/Headteacher's response following the absence being requested.
- vii. Where a Penalty Notice is being considered for absence that appears not to require support, maybe due to offers of support being declined, a Notice to Improve must be issued to the Parents/Carers to give a final opportunity improve their child's attendance and/or engage with support before a Penalty Notice is issued. A time frame of 3-6 weeks must be given which is decided on an individual case basis.
- viii. Penalty Notice fines are set by the Government; the school does not receive the fine. They are used under Section 23 of the Anti-Social Behaviour Act 2003 in the use of Penalty Notices as an alternative to prosecution where a parent has failed to ensure their child of compulsory school age regularly attends the school they are registered at (or at a place where alternative provision is being provided) or they have allowed their child to be present in a public place during the first 5 days of a fixed term suspension or permanent exclusion, giving the parent opportunity to discharge their liability by paying the penalty. They must be issued in line with The Education (Penalty Notices) (England) Regulations 2007, amended 2024 and Dorset Council's Code of Conduct.
- ix. All state funded schools must consider whether a Penalty Notice is appropriate in each individual case where a student reaches the national threshold of absence. The threshold is 10 sessions of unauthorised absence within a rolling period of 10 school weeks (each half day is 1 session e.g., AM and PM session = 2 sessions). The 10 sessions can be made up of any combination of unauthorised absence, examples of this are:
  - a. 4 sessions of 'holiday' taken in term time plus 6 sessions of arriving late after the register has closed (U codes) within a 10-week period.
  - b. 10 sessions within one week or spanning over the end/start of 2 weeks.
  - c. 6 sessions of 'holiday' in week 1 followed by 4 sessions of absence on subsequent weeks.
  - d. 4 sessions at the end of one half-term or term, followed by 6 sessions at the start of the next half-term or term. Terms can also be in different academic years.
  - e. 10 sessions taken as individual or consecutive days over a number of weeks but within a 10-week period.
- x. When a student reaches the national threshold for absence, the school is expected to consider firstly if the student requires support and put this into place. If existing support is not working or has been declined, a Notice to Improve should be issued to all parent/carers.
- xi. Only 2 Penalty Notices can be issued to the same parent in respect of the same child within a 3-year rolling period (the 3-year period starts 19th August 2024). If there is need for further action following 2 Penalty Notices being issued, alternative action should be taken instead, e.g., prosecution in the Magistrates' Court or other formalised legal intervention.
- xii. Penalty Notices are currently (as @ Sept 2024) £160 per child, per parent, if paid within 28 days of receipt of the notice but this is reduced to £80 per child, per parent, if paid within 21 days of receipt of the notice. Following the receipt of all required documentation the Local Authority will decide whether to issue the requested Penalty Notice(s). The Local Authority will liaise directly with the Academy at each stage of following a penalty notice being issued. If the penalty is not paid in full by the end of the 28-day period, the Local Authority must either prosecute or withdraw the notice. Please Note: Only the Local Authority can withdraw a penalty notice, and they can only withdraw it if; it ought not to have been issued i.e., no offence was committed; it has been issued to the wrong person; or it contains material errors.

- xiii. Where a 2nd Penalty Notice is issued to the same parent in respect of the same child the Penalty Notice will be charged at a flat rate of £160 to be paid within 28 days (no reduction for early payment will be allowed). Further offences will be dealt with as per b) xi., above.
- c) Registration & Punctuality – Under Regulation 8 of the School Attendance (Pupil Registration) (England) Regulations 2024 all schools must keep accurate admission and attendance registers electronically and they must be kept for 6 years. A legal registration must also be taken twice during the academy day; morning session and afternoon session (both of which must not be open for longer than 30 minutes); this is for both compulsory and non-compulsory school age students.
- i. On admitting a pupil to their roll, in accordance with regulation 13(1) to (3) all schools must make a return to the LA within 5 days of the student starting when the start is outside of the normal admission round (e.g., Year-Rec, Year-7 etc.).
  - ii. Morning registration will normally take place during the first 30 minutes of the school day (this may be during a 'tutor time', class reading time or lesson time). There is a legal requirement for students to attend the official registration session unless alternative arrangements are made locally.
  - iii. Afternoon registration will take place following a substantial break from the morning register and must not be kept open for longer than 30-minutes.
  - iv. Regulation 10 of the above regulations stipulates that the contents of the attendance register must be kept in accordance with the coding detailed in the statutory guidance.
  - v. Any student arriving after the school day has started/register opening but before the register closes, will be deemed as 'late' and therefore will be coded as 'L' on the register. Poor punctuality will cause a conversation/discussion and may cause a consequence (e.g., time repayment) if reasons are persistently unacceptable.
  - vi. Any student arriving after the register has closed without an authorised reason will be marked as 'unauthorised late' and coded as 'U' on the register. A 'U code' is a statistical absence for the whole session due to missing the legal registration period and counts towards the National Framework Threshold of 10 unauthorised sessions which can be considered if any legal action is considered.
  - vii. Where a student arrives late after the register has closed but for a specific authorised reason, their register will be marked using the statutory coding for authorised absence (e.g., an M for hospital appt, a C for Exceptional Circumstances, C2 if arriving for an agreed part time timetable).
  - viii. Where a student is attending a full-time alternative provision for education, they will be coded as being present at an education provision (coded B or K depending on who has arranged it), start time/registration time will be set by the provision and may be different to the school's registration times. If your child is directed to attend an alternative and more appropriate provision for them, the academy will ensure you are aware of registration times. If the provision provided is at a registered school this will be coded as D on the register (dual registration). If the student is part-time at the provision, registration sessions the pupil is not there for will be coded as C2 (part-time timetable).
  - ix. It is important all students 'sign in' when arriving outside of registration times for safeguarding and fire regulation purposes.
- d) Child Missing Education (CME) is where a child's whereabouts becomes unknown (address no longer confirmed) and the school do not have reason to believe the child is absent due to illness or unavoidable causes. A CME child is a serious safeguarding concern and if there is reason to believe a child is in immediate danger or at risk of harm, a referral to Children's Social Care (or the Police if appropriate) will be considered.
- i. Section 10 of the Children Act 2004 places a duty on LAs and Schools/Academies to follow procedures designed to carry out reasonable enquiries. This will include telephone and email

contact to all registered contacts, home visit/safe and well check, and if it has not been possible to confirm the family have moved, a letter to last known address (GDPR compliant).

- ii. Reasonable enquiries may also include gathering information from the child's peers, the family's landlord (private or social housing providers) and other local stakeholders who are involved with the family (observing GDPR but being mindful that safeguarding duties allows the sharing of information when locating a child or keeping them safe is required).
  - iii. All actions/enquiries will be recorded on the academies database to show completion.
  - iv. Where a child is absent and no contact has been made, and therefore CME is suspected, reasonable enquiries must be carried out within the first 10 days of a child being absent from education (as a school we advise between day 1-5 wherever possible), the school must attempt to locate the child using the above suggestions in the first instance.
  - v. On day 10 of unauthorised absence where no contact has been established with parent/carer, a child must be reported to the Local Authority as a child missing education. Where the child is located and their address is confirmed within academy's area, the child will remain on roll and attendance procedures will be considered for non-attendance.
  - vi. Where the child is located outside of the academy's area, the child must be reported to the LA where they have moved to, after which, the school will have the right to remove the child under Ground G of Regulation 9 of the School Attendance (Pupil Registration) (England) Regulations 2024.
  - vii. Where the child has not been located, they will be held on roll until their destination school has been confirmed or their 20th day from the last day of attendance occurs. If their destination remains unknown prior to deletion, following LA confirmation to do so, the removal from roll will be done under Ground I of Regulation 9 of the above legislation. The child's details will be logged onto the national School to School (S2S) DfE Portal to enable another school or LA to 'claim' the child once located.
  - viii. Where leave of absence is stated as 'for the purpose of religious observance' the academy will follow the statutory guidance which allows an individual day, that has been exclusively set aside by a religious body. We would normally expect this to be a day the parent would also be expected to be away from their employment. We will allow a maximum of three single day events within an academic year. If any additional days are required on each event, they must be requested via submitting a Term Time Exceptional Absence Request Form. Please note, evidence from the religious body may be required.
- e) Elective Home Education (EHE) is a parent's right to choose. This would involve withdrawing their child from school to educate them at home, taking full responsibility for education, including all costs associated with it. There are legal responsibilities that must be fulfilled regarding that education which is monitored by the LA. We are unable to encourage or discourage a decision to EHE and as an educational placement, we would hold the view that school is the best place for most children. However, we will ensure we give parents/carers the appropriate information to make an informed decision if it is something they wish to explore, and also an opportunity to discuss the decision with the Headteacher prior to removing a student from roll.

The Dorset Code of Conduct has recently been updated and can be found here: [Children's Services code of conduct for the issue of fixed penalty notices - Dorset Council](#).

## **Section 7: Other reasons for non-attendance at school:**

### **7.1 Pupils reluctant to attend school:**

Children are sometimes reluctant to attend school. Any problems with regular attendance should be discussed in partnership between the school, the parents/carers and the child. Parents and carers should contact the child's Head of Year immediately and openly discuss any worries or

difficulties with schoolwork, bullying, friendship problems, family difficulties, anything at all that affects attendance – and the school will involve other professionals as needed.

Making sure children have enough sleep and get up in plenty of time each morning aids good punctuality and attendance, as does ensuring that he/she leaves home in the correct clothes and is properly equipped, and that the homework diary is used for communication between home and school. The school will reinforce this with parents, carers and pupils.

## **7.2 Leavers:**

If a child is leaving the school, parents/carers are asked to give the Head of Year comprehensive information about their plans including any date of a move and new address and telephone numbers, the child's new education provider and the start date when known. This should be submitted to our school in writing.

If pupils leave and we do not have the above information, then a child is considered to be a 'Child Missing Education'. This requires schools and Local Authorities to then carry out investigations to try to locate a child, which includes liaising with Children's Services, the Police and other agencies. By parents and carers providing the above information, these investigations can be avoided.

## **7.3 Absence through competing at regional, county or national level for sport:**

Parents and carers of able sportsmen and women can seek leave of absence from school for their child to take part in regional, county, national and international events and competitions. It is however, down to the Head of Year/ Head teacher's discretion whether to authorise this and they will wish to discuss the nature and frequency of the absence and how learning will continue if absence occurs. Permission for a child to leave early or arrive late to attend coaching and training sessions are also at the discretion of the Head of Year/ Head teacher and are not likely to be approved if it is a regular event, unless the sports club or association are providing an education tutor as part of their coaching.

## **7.4 Teenage Pregnancy:**

Support will be directed by the Designated Safeguarding Lead and assigned key worker to keeping a pupil in school during pregnancy and wherever possible expediting her return to full time education as soon as possible after the birth. A pupil who becomes pregnant should be allowed no more than 18 weeks authorised absence to cover the time immediately before and after the birth of the child. After that time, any absence should be treated as unauthorised.

## **Section 8: Record Keeping**

School registers are legal documents. We will ensure compliance with attendance regulations by keeping attendance records for at least 3 years.

**See School Privacy Notice to see the legal basis for collecting this data.**

### **Appendix:**

## **Gillingham School Attendance Steps**

<b>Step 1: Letter 1</b> – Start of year expectations/Attendance Assembly/Half-termly attendance update automated email/Weekly 100% attendance email/LH 100% monthly texts. Weekly lates email for 5 or more lates.
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**Step 2:** Attendance drops to below 95% (after first half-term/September): supportive **Letter 2** is automatically sent (discussed in weekly attendance meeting). At this point, students may be selected to be involved in **Tutor Moveable's Project. (90-94.9%)**

**Step 3:**

- Attendance drops to below 90%. Persistent Absence **Letter 3** sent.
- **Attendance Contract** is written in conjunction with the student, parent and school (push & pull factors). Details of the plan shared with all relevant teachers.
- **Attendance Contract** reviewed after 20 days by year team.
- **Golden Hour:** All students between 80%-90% are phoned by Pastoral Hub if absent. Lisa Hogg to generate data list for each year group daily. Lisa to check Ns for this cohort.
- **Attendance Improvement Card:** fortnightly group that is rotated round AHOYs, HOY, PM. To check attendance progress (see guidance in appendix).
- **Agenda item** on AHOY/PM/LH weekly attendance meeting to QA.



**Step 4: Option 1**

**Letter 4a.** Attendance has improved. Praise letter.

**Step 4: Option 2**

**Letter 4b.** Attendance has remained static. Review and repeat plan.

**Step 4: Option 3**

**Letter 4c.** Attendance continues to deteriorate. **Referral to Inclusion Panel.**

**Step 5: Inclusion Panel.**

Students to be identified during fortnightly meetings with Attendance AHOYs. Evidence of addressing attendance concerns must be shown (calls to parents/attendance letters/attendance contract/reasonable adjustments/Early Help offer.)

Schools can also bring 'stuck cases' or Children Missing in Education to panel. Cases will still be discussed in the absence of parents. Notes should then be forwarded to the parent.

-Future absences will be unauthorised.

-PN to chair 6<sup>th</sup> Form Inclusion panels.

**Step 6a: Inclusion Panel Review**

Review of actions from previous panel. This may include further support or alternative provision.

**Step 6b: Notice to Improve**

A Notice to Improve may be recommended by the Inclusion Officer during panel meetings. This will give the parent four weeks to improve their child's attendance. Dates of letters, support and meetings must be included in the warning letter to the parent. If the school sees no improvement, a Penalty Notice may be issued (£80 if paid within 21 days, £160 thereafter).

## Gillingham School Attendance Contract

**Date:**

We are going to work together in making sure that \_\_\_\_\_ improves their attendance at school over the next \_\_\_\_\_.

School

Date of birth	
Year group	
Address	
Name(s) of parent(s)	
Contact Number	
Address(es)	

Senior school staff member with overall responsibility

Member of school staff with day-to-day responsibility

Contact number (and when is the best time to call?)

Dorset Council Officer (if applicable)

Current attendance % and other information, including number of absences, family views, child/young person views (if appropriate) and what has been tried before

The specific targets of our plan and when we aim to do this by (date)

**Please note that we may request medical information for future absences due to illness. Acceptable forms of information include a screenshot of medical appointments, a hospital letter, or a photo of prescribed medication.**

Achieving these targets

I/we (the family) agree to:

I (child/young person) agree to (if appropriate):
We (the school) agree to:
Officers of Dorset Council agree to (if applicable):
Others agree to (if applicable):

**Agreeing to the contract:**

Name	Role	Signature

**Date:**

Copies to be circulated to all parties

**Review Date: (20-day review)**

Date	Notes	Action