



# BURSLEY ACADEMY

# ATTENDANCE POLICY



***Nurture, Inspire, Achieve***



## Introduction

Regular school and punctual attendance is both a legal requirement and essential if children are to achieve their full potential.

Bursley Academy believe that regular school attendance is the key to enabling children to maximise the educational opportunities available to them and become emotionally resilient, confident and competent adults who are able to realise their full potential and make a positive contribution to their community.

Bursley Academy values all pupils. As set out in this policy, we will work with families to identify the reasons for poor attendance and try to resolve any difficulties.

Bursley Academy recognises that attendance is a matter for the whole school community. Our Attendance Policy should not be viewed in isolation; it is a strand that runs through all aspects of school improvement, supported by our policies on safeguarding, bullying, behaviour and inclusive learning. This policy also takes into account the Human Rights Act 1998, the Disability Discrimination Act 1995 and the Race Relations Act 2000.

At Bursley Academy we expect children to achieve an attendance level of at least 95% and have set an overall school attendance target of 96% for each Academic Year.

## Legal Framework

Section 444 of the Education Act 1996 (as inserted by section 23 of the Anti-Social Behaviour Act 2003) empowers designated Local Authority (LA) officers, head teachers (as well as deputy and assistant head teachers authorised by them) and the Police to issue Penalty Notices in cases of unauthorised absence from school.

- The Education (Penalty Notices) (England) Regulations 2007
- The Education and Inspections Act 2006.
- The issuing of Penalty Notices must conform to all requirements of the Human Rights Act 1998 and the Equality Act 2010.
- Section 444 of the Education Act 1996 makes it an offence if a parent fails to secure their child's regular attendance at school at which they are registered, if that absence is not authorised by the school. Penalty Notices supplement the existing sanctions currently available under s444 Education Act 1996 or s36 Children Act 1989 to enforce attendance at school where appropriate.

The Regulations also require each local authority to publish a code of conduct for issuing penalty notices, after consultation with governing bodies, head teachers and the police. Guidance from the Secretary of State states that this "should set out the criteria that will be used to trigger the use of a penalty notice". Bursley Academy takes its guidance from Staffordshire County Council's 'Code of Conduct for issuing penalty notices Sept 2017'.

This can be found on Staffordshire County Councils website on the following link:

<https://www.staffordshire.gov.uk/Education/Education-welfare/Documents/Code-of-Conduct-From-1.1.2018.pdf>



The Education (Pupil Registration) (England) Regulations 2006, require schools to take an attendance register twice a day, once at the start of the morning session and then again during the afternoon session.

The register must record whether the pupil was:

- present;
- absent;
- present at approved educational activity; or
- unable to attend due to exceptional circumstances.

## Categorising absence

Where pupils of compulsory school age are recorded as absent, the register must show whether the absence is authorised or unauthorised.

Absence can only be authorised by the school and cannot be authorised by parents. All absences will be treated as unauthorised unless a satisfactory explanation for the pupil's absence has been received.

Parents should advise the school by telephone by 10:00am on the first day of absence and provide the school with an expected date of return. This should be followed up in the form of a written note from the parent/carer, though verbal explanations may be acceptable where this is considered appropriate. Alternative arrangements will be agreed with non-English speaking parents/carers.

Absence will be categorised as follows:

**Illness:** In most cases a telephone call or a note from the parent informing the school that their child is ill will be acceptable. Parents may be asked to provide medical evidence where there are repeated absences due to reported illness. This will usually be in the form of an appointment card, prescription etc.

**Medical/Dental Appointments:** Parents are advised where possible to make medical and dental appointments outside of the school day. Where this is not possible, pupils should attend school for part of the day. Parents should show the appointment card to school.

**Other Authorised Circumstances:** This relates to occasions where there is cause for absence due to exceptional circumstances, for example family bereavement, visiting a parent in prison or part time timetable agreed as part of a reintegration package.

**Excluded (No alternative provision made):** Exclusion from attending school is counted as an authorised absence. The child's class teacher will make arrangements for work to be sent home.

**Family Holidays and Extended Leave:** Parents are strongly advised to avoid taking their children on holiday during term time. Parents do not have an automatic right to remove their child from school during term time for the purpose of a holiday and should be made aware that if their child is absent for 10 school days they will miss 5% of their education during that academic year.

The Governors at Bursley Academy have indicated that the Principal is to classify any holidays taken during term time as unauthorised absences.



Parents wishing to take their child on holiday during term time must send a written request to the head teacher before any holiday arrangements are made. Each request will be considered individually.

All requests for leave of absence will be responded to in writing. Where a request has been granted the letter should state:

- The expected date of return
- That parents must contact school should any delays occur

In almost all circumstances permission to take leave is not granted; the pupil still goes on holiday, the absence will be **unauthorised**. In such cases the school may issue a Penalty Notice.

**Religious Observance:** Bursley Academy acknowledges the multi-faith nature of British society and recognises that on some occasions, religious festivals may fall outside school holiday periods or weekends and this necessitates a consideration of authorised absence or special leave for religious observance.

It is reasonable for a parent to allow their children not to attend school on any day of religious observance if recognised by the parent's religious body.

Parents are requested to give advance notice to the school if they intend their child to be absent.

However, in the interests of fulfilling the academic requirements of the school and limiting the authorised absence rate of the school, it is identified as reasonable that no more than **one day** be designated for any individual occasion of religious observance/festival and no more than three days in total in any academic year. Any further absence will be categorised as unauthorised.

## **Late Arrival:**

Registration begins at 9.05am, any pupil arriving after this time will be marked as present but arriving late. The register will close at 9:30, pupils arriving after the close of register will be recorded as late, this will not be authorised and will count as an absence for that school session.

On arrival after the close of register, pupils must immediately report to the school office to ensure that we can be responsible for their health and safety whilst they are in school. The time of the child's arrival is recorded in a late book. This is kept at the main Reception desk.

The absence will only be authorised if a satisfactory explanation for the late arrival can be provided, for example, attendance at a medical appointment.

The absence will be recorded as **unauthorised** if the pupil has arrived late without justifiable cause, for example, if they woke up late or were waiting for their uniform to dry. A penalty notice may be issued for persistent lateness as per Staffordshire's Code of Conduct for Issuing Penalty Notices.

**Unauthorised absence:** Absence will not be authorised unless parents have provided a satisfactory explanation and that it has been accepted as such by the school.



## Excluded Pupils

The parent of the excluded pupil must ensure that the pupil is not present in a public place at any time during school hours on a day that he / she is excluded, up to and including the first 5 days or, where that exclusion is for a fixed period of 5 days or less, any of the days to which the exclusion relates.

If the excluded pupil is present in a public place at any time during school hours on a school day specified above the parent commits an offence under section 103 of the Education and Inspections Act 2006 and is liable, on summary conviction, to a fine.

## Support Systems

School recognise that poor attendance is often an indication of difficulties in a child's life. This may be related to problems at home and or in school. Parents should make school aware of any difficulties or changes in circumstances that may affect their child's attendance and or behaviour in school, for example, bereavement, divorce/separation, incidents of domestic abuse. This will help the school identify any additional support that may be required.

Bursley Academy also recognise that some pupils are more likely to require additional support to attain good attendance, for example, those pupils with special educational needs, those with physical or mental health needs, migrant and refugee pupils and looked after children.

Parents are expected to contact school at an early stage and to work with the staff in resolving problems together. This is nearly always successful. If problems cannot be sorted out in this way, the school may refer the child to the Educational Welfare Officer (EWO) from the Local Authority. Alternatively, parents or children may wish to contact the EWO themselves to ask for advice. They are independent of the school. Their telephone number is available from the school office or by contacting the Local Authority.

Where parents fail or refuse to engage with the support offered and further unauthorised absence occurs, Bursley Academy will consider the use of legal sanctions.

## Legal Sanctions

**Prosecution:** Where intervention fails to bring about an improvement in attendance, the Local Authority will be notified and legal action may be taken. The school will provide the Local Authority with evidence required for a prosecution under Section 444 of the Education Act 1996 and will appear as a prosecution witness if required by the court. This is to ensure that parents realise their own responsibilities in ensuring attendance at school and most importantly about returning children to education.

Section 444 of the Education Act 1996 states that: if a parent fails to ensure the regular school attendance of their child if he/she is a registered pupil at a school and is of compulsory school age, then they are guilty of an offence.

A parent found guilty of this offence can be fined up to £2500 or be imprisoned for a period of 3 months.

Alternatives to Section 444 prosecution are Parenting Contracts, Penalty Notices or an Education Supervision Order.

**Circumstances where a Penalty Notice may be issued:**



- A Penalty Notice can only be issued in cases of unauthorised absence.
- The presence of an excluded child in a public place at any time during school hours in the first five days of exclusion.

**Penalty Notices may be considered appropriate if one of the following criteria is met:**

- There is unauthorised persistent absence. “Persistent” means at least 20 sessions of unauthorised absence over a period of twelve school weeks, excluding holidays. These absences do not need to be consecutive.<sup>2</sup>
- There is a period of absence not authorised by the head teacher or in excess of the period authorised by the head teacher.(e.g. family holiday)
- Persistent late arrival at school, i.e. after the register has closed. “Persistent” means at least 10 sessions of unauthorised late arrival over a period of 12 school weeks, excluding holidays. These late episodes do not need to be consecutive. This is recorded as a ‘U’ code in the registers.
- The presence of an excluded child in a public place at any time during school hours in that child’s first five days of exclusion. An “excluded child” is one who has been excluded from school for a given period under the Education and Inspections Act 2006.
- A Penalty Notice will not be issued in respect of children in the care of the LA with whom other interventions will be used.

**Other conditions.**

- There will be no limit on the times a Penalty Notice for unauthorised leave of absence can be used in an academic year.
- In cases where there is more than one pupil in a family with unauthorised absences, Penalty Notices may be issued for more than one child
- Use of a Penalty Notice or formal warning of a Penalty Notice for unauthorised persistent absence / lateness will be restricted to one notice/ warning per parent of a pupil per academic year<sup>1</sup>.

**Attendance Protocols:**

This policy is to be read in conjunction with the **Staffordshire Local Authority Code of Conduct for issuing penalty notices Sept 2017** and Attendance Protocols which detail the actions taken by the school to raise the profile of the importance of attendance as well as set out clear guidelines and actions which will result from a breach of the policy at any stage of the process.