



KINGSTONE ACADEMY TRUST
APPROVED DOCUMENT

Attendance Guidance Document

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| Relevant School/s: | KHS and KTPS |
| Policy Officer: | Sally Spreckley |
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Attendance Guidance

Kingstone Academy Trust will strive to provide a welcoming, caring environment, whereby each member of the school community feels safe and valued and students understand the need to attend school regularly and punctually.

1. Introduction and Context

Regular and punctual attendance at school is both a legal requirement and essential in ensuring that all students maximise their educational opportunities and future life choices.

This guidance document seeks to make attendance and punctuality a priority for all those associated with the school including students, parents, carers, teachers and trustees. Reducing absence and persistent absence is a vital and integral part of our schools' work to:

- promote children's welfare and safeguarding
- ensure every pupil has access to the full-time education to which they are entitled
- ensure that pupils succeed whilst at school
- ensure that pupils have access to the widest possible range of opportunities when they leave school.

To meet these objectives Kingstone Academy Trust will establish an effective and efficient system of communication with pupils, parents and appropriate agencies to provide mutual information, advice and support.

The school will maintain an effective system of incentives and rewards, which acknowledge the efforts of pupils to improve, and will challenge those pupils and parents who give low priority to attendance and punctuality.

2. Definition

If a child is registered to attend a school then Section 444 of the Education Act 1996 makes it an offence to fail to secure the regular attendance at that school.

Promoting regular school attendance is a key component in the Government's strategy to raise educational standards. This policy references the Guidance for LAs and schools on the Education (School Attendance Targets) Regulations 2007; and Ensuring Children's Right to Education - guidance on the legal measures available to secure regular school attendance, 2008 DfE.

Section 23(1) of the Anti-Social Behaviour Act 2003 and Section 103 of the Education and Inspections Act 2006 introduced new powers to Sections 444 of the Education Act 1996 that enable Local Education Authorities to issue Penalty Notices. Penalty Notices can be used as an alternative to prosecution under Section 444 and enable parents to discharge potential liability for conviction for that offence by paying a penalty. Kingstone Academy Trust follows Herefordshire Councils Penalty Notice Code of Conduct.

Children Missing from Education

KAT follows the government guidance for Children Missing Education, Statutory Guidance for Local Authorities September 2016. Please refer to our Safeguarding and Child Protection Policy for full details.

<https://www.gov.uk/government/publications/children-missing-education>

3. Aims

The aims of Kingstone Academy Trust's Attendance Guidance are:

- To establish and maintain a high profile for attendance and punctuality.
- To relate attendance issues directly to the school's values, ethos and curriculum.
- To monitor progress in attendance through measurable outcomes.

Kingstone Academy Trust will:

- Develop a framework which defines roles and responsibilities and promotes consistency in carrying out designated tasks and system evaluation.
- Develop a systematic approach to gathering and analysing attendance related data
- Provide support, advice and positive and consistent guidance to parents, carers and pupils in accessible formats.
- Promote effective partnerships with services, agencies and Herefordshire Council.
- Recognise the needs of the individual pupil when planning reintegration following significant periods of absence.
- Implement a fair and consistent system of rewards and sanctions, and identify finance available to support it.
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4. Actions and Responsibilities

- To maintain unambiguous procedures for statutory registration.
- To improve communication with parents, have accurate and up-to-date contact information and make phone/letter contact on first day of absence.
- To ensure clearly defined late registration procedures.
- To be clear about: procedures, referral and recording systems.
- To agree timescale for review of reintegration plan and include staff, parents and pupil.
- To highlight the importance of attendance in Assemblies, The HUB, Registration, the Mentors' System

The *Executive Headteacher* will:

- Designate key staff to manage attendance (SLT, Pastoral Leads, Administrators)
- Provide training for designated staff as required.
- Communicate expectations to staff/students/parents as applicable and ensure clear arrangements for its communication and implementation are in place :
 - In the School Handbook, display materials at focal points, School Newsletters, Staff Handbook, Pastoral meetings and relevant staff meetings (e.g. attendance review meetings).
 - Report at least annually to parents, more often if attendance gives cause for concern as identified by the Pastoral Lead and report to the Trustees' Quality and Standards Committee.

5. Monitoring and Review

Targets for achievement need to be agreed with all interested parties and ratified with Trustees' Quality and Standards Committee.

A Mechanism to monitor effectiveness of guidance document will be operated:

- Collate data from computerised registration
- Standardise recording of:
 - authorised/unauthorised absence
 - educational activity
 - presence
- Be consistent in the collection and provision of information.
- Identify developing patterns of irregular attendance and lateness.

Achievements should be celebrated and made known to all interested parties.

6. Notes to the Policy

Parental Guidance

Attendance at school is a high priority at Kingstone Academy Trust. Every school day counts and any absence from school will result in lost learning and a risk of underachievement.

- Regular punctual attendance is essential to the success of every student.
- Students should ensure that they arrive to registration promptly at 8.50am. However, should your child be too unwell to attend school, or need to attend a medical appointment, we ask that you telephone the school and advise us of your child's name, form and the reason for absence, before 9.30am each day of absence.
- On their return to school, students are asked to bring a signed note or a completed blue absence slip from the back of their planner-diary explaining their absence.
- You may call early in the morning, before school starts, and leave a message on the school answerphone service. Should we not hear from you, an automated Child Safety Call will be generated to each contact (in priority order) that we have for your child. These calls will continue hourly until we get a response.
- If your child is later than 9.00am arriving at school they must sign in the Red Late Book in Reception giving the reason, this also includes students arriving on late school buses. If a student is regularly late, they may be expected to serve after school detentions to make up the time.
- Students leaving the school at any point during the school day should sign out in the Yellow Signing Out Book. In the event of you arranging an emergency dental/medical appointment, please telephone the office and we will endeavour to locate your child ready for collection in reception.
- Should you wish to take your child out of school for any reason other than medical or illness, please complete a Leave of Absence form available from the School Office.
- Holidays within term time are not authorised.
- The law requires attendance at school and many parents are not aware that it is not a parental right to take children out of school during term time. There are 190 statutory school days in a year. There are 175 days available outside this for holidays. This equates to 13 weeks.

Kingstone Academy Trust adheres to the following Attendance Wave system:

WAVE 1 Band A – Outstanding: 98% - 100%

Outstanding attendance should be seen as the very top level – perhaps between 98% and 100%. This level of attendance over a school year should be rewarded, as it is quite an achievement.

WAVE 1 Band B – Good: 95% - 97%

Good attendance should encompass any student that reaches the expected national attendance level of 95%. Although this may seem a high percentage to deem just as 'good', this still gives enough leeway for a student to miss a whole morning or afternoon of school every week for two weeks.

WAVE 2 – Satisfactory: 91% - 94%

Satisfactory attendance should be anything between 91% and 94%. At the bottom end of 91%, students would effectively miss a whole school day every two weeks. Students falling into this category should have low-level support to enable them to move up in to the Good band.

WAVE 3 – Cause for Concern: 86% - 90%

Any students falling into this category should receive a greater level of support, with input from the Assistant Headteacher. Preventative measures (such as attendance panel meetings) should be used to prevent further decline in attendance and support should be given to enable an upward shift, over time.

WAVE 4 – Cause for Serious Concern: 0% - 85%

Students with attendance below 85% are a cause for serious concern. Students in this band should be seen as having a significant need and a high level of support will be required if any improvement is to be made.

Date written: September 2013 (update)
Updated: February 2015 (new legislation - penalty notices)
Review: February 2016
Review and Updated: January 2017
Review: November 2020

Appendix 1

HEREFORDSHIRE COUNCIL'S CODE OF CONDUCT FOR ISSUING PENALTY NOTICES

Regular and punctual attendance at school is both a legal requirement and essential in ensuring that all children maximise their educational opportunities Section 23(1) of the Anti-Social Behaviour Act 2003 and Section 103 of the Education and Inspections Act 2006 introduced new powers to Sections 444 of the Education Act 1996 that enable Local Education Authorities to issue Penalty Notices. Penalty Notices can be used as an alternative to legal proceedings.

This code of conduct has been drawn up in line with The Education (Penalty Notice) (England) (Amendment) Regulations 2013.

Rationale:

The purpose of this code of conduct is to ensure that Penalty Notices are applied consistently and fairly across Herefordshire and that arrangements for their issue and administration are suitable.

A Penalty Notice is a fine issued and administered solely by Herefordshire Council. A Headteacher (or a nominated deputy), or the Chief Police Officer (or a nominated deputy) can request that a Penalty Notice is issued by Herefordshire Council.

Summary:

1. Any Penalty Notice issued must comply with this Code of Conduct.
2. The amount of the penalty to be paid is:
 - a. £60 where the amount is paid within 21 days of receipt of the penalty Notice or
 - b. £120 where the amount is paid within 22 and 28 days of receipt of the Penalty Notice.
3. Where the Penalty Notice is served by first class post, service is deemed to have been effected (unless the contrary is proved) on the 2nd working day after posting.
4. Payment is made to Herefordshire Council. Revenue generated from the Penalty Notices will be used to cover the costs of issuing, enforcement and the cost of prosecuting recipients who do not pay.
5. Within this code of conduct 'parent' is as defined in Section 576 of the Education Act 1996.
6. A Penalty Notice is a method by which a parent may discharge potential liability for conviction of an offence either under:
 - a. Section 444 of the Education Act 1996 or
 - b. Section 105 of the Education and Inspections Act 2006
7. If the Penalty Notice is not paid in full before the expiry of the period for paying it, Herefordshire Council may instigate legal proceedings, any action following the Herefordshire Council enforcement and prosecution policy or withdraw the Penalty Notice. Part payment cannot be accepted.
8. A Penalty Notice may be issued to each parent of a child.
9. A maximum of 2 Penalty Notices may be issued per parent, per child, as deemed appropriate by the Council.

When is it appropriate to issue a Penalty Notice?

A Penalty Notice is a suitable intervention in circumstances such as:

1. **Parents continued failure to engage or respond to the school's attempts to contact them, or where parents continually fail to provide an explanation for a pupil's absence in accordance with the school's procedures.**
2. **Persistent late arrival at school (i.e. after the registration period has closed).**
3. **In cases of absence when the pupil has been taken on holiday during term time and the absence has not been authorised by the school.**

Other than in specific circumstances a Penalty Notice will only be issued after a written warning has been sent. A warning letter that a Penalty Notice may be issued should be sent when **10 or more sessions** of unauthorised absences occur.

Penalty Notices may be issued in cases where a further **10 or more sessions** of unauthorised absence accumulate in a 13 school week period (i.e. a school term).

In cases where pupils are not expected to be present for every morning and afternoon session (e.g. attendance at a Pupil Referral Unit), proportionality will be used to determine whether or not a Penalty Notice may be issued. This will be approximately equivalent to 85% attendance (or less) in a 13 school week period where some or all of the absences are unauthorised.

In the specific circumstance of leave of absence in term time where permission has not been sought or permission refused, or the failure of the child to return after an agreed date, schools may request the issue of a Penalty Notice without sending a penalty notice warning. It is expected that schools will have responded in writing and made every effort to warn their parents that they may receive a Penalty Notice if the holiday is taken without authorisation. This response constitutes a valid warning to the parent.

Schools must regularly ensure that information regarding unauthorised absence from school and Penalty Notices is updated regularly and is made available to parents.

Procedure for issuing Penalty Notices

Herefordshire Council will issue Penalty Notices in Herefordshire. This will ensure consistent and equitable delivery across the county. It will also ensure that other strategies or legal processes are not jeopardised and that duplicate notices are not issued. Herefordshire Council will ensure that the issuing of the Notices is closely monitored.

The following procedures apply to the parent/carers of children of compulsory school age who are registered at a school, a pupil referral unit and those receiving off-site provision.

As with legal proceedings under Section 444, a penalty notice may be issued to **each** parent liable for the offence. The legal definition of a parent is contained in Section 576 of the Education Act 1996 and refers to any adult who is a natural parent, someone with parental responsibility or someone who cares for a child.

In regard to unauthorised holiday absence, Schools will make every effort to forward requests for a penalty notice to Herefordshire Council within 15 school days of the unauthorised absence.

Herefordshire Council will make every effort to action requests for penalty notices within 15 school days. If requests are received immediately prior to the end of the academic year they will not be actioned until the start of the new academic year. However, before issuing a penalty notice, it is essential that the following criteria are met:

1. All the relevant information is supplied in the manner specified on the Penalty Notice Request form.
2. The circumstances of the pupil's absence meet all the requirements of the Code of practice.
3. **The issuing of a Penalty Notice must not conflict with other intervention strategies in place or legal procedures that are already being processed.**

Whenever there is a possibility that a case could result in a penalty notice or legal proceedings, schools should ensure that the parent is aware of this and understands the consequences of failing to ensure their child's regular attendance.

In addition to Herefordshire schools, requests for issuing Penalty Notices may be received from the West Mercia Police and neighbouring Local Authorities. Herefordshire Council will make every effort to action these requests within 15 school days providing that all the relevant information is supplied and that the circumstances of the unauthorised absence concur with those set out in the Codes of Practice.

Service of Notices

A notice may be served by:

1. **giving it to the recipient**
2. **leaving at the recipient's usual or last known address**
3. **sending it to the recipient at that address by first class post**

Service by post shall be deemed to have been effected, unless the contrary is proved, on the second working day after posting the notice by first class post.

Penalty Notices issued to parents of excluded children

A parent has to ensure that his or her child is not present in a public place during school hours without reasonable justification during the first five days of each and every fixed period or permanent exclusion.

The days of exclusion when this duty applies are known as 'specified days of exclusion' and will be detailed in a notice given to the parent under Section 104 of the 2006 Act. The parent is responsible for the child during the specified days upon receipt of the notice.

Section 105 of the Education and Inspections Act 2006 allows for a penalty notice to be issued to a parent committing any offence for failing to ensure that their child is not in a public place on the days specified on the notice given to them. The parent must be notified by the school at the time of the exclusion of their duty and the days to which it relates.

Although Headteachers and the Police are empowered to issue Penalty Notices, the offence under Section 103 of the Act allows the excluded pupil's presence in a public place where there is reasonable justification for him/her being there. Attempts should be made to speak to the child or the parents for an explanation. **There needs to be an investigation of evidence before a notice is issued. It is not intended that Penalty Notices are issued as an 'on**

the spot' remedy and save in exceptional circumstances, schools should, in the first instance, report suspected breaches of Section 103 to Herefordshire Council.

Consideration will be given to the number of times an excluded child can be apprehended, the parents' action or inaction, the justification put forward and the parents' overall attitude towards their responsibilities.

A Penalty Notice should not generally be issued for a first offence, a parent should receive a warning that a Penalty Notice may be issued if the pupil is found on a second or subsequent occasions.

When issuing the penalty notice the procedure stated above will be followed

Withdrawing Penalty Notices

There is no statutory right of appeal against the issuing of a penalty notice. Penalty Notices may only be withdrawn for the following reasons:

1. Where it ought not to have been issued.
2. Where it has been issued to the wrong person.
3. Where the notice was materially defective.

Where a penalty notice has been withdrawn, a notice of the withdrawal shall be given to the recipient and any amount paid will be refunded. No legal proceedings shall be continued or instigated against the recipient for the offence for which the withdrawn notice was issued.

Legal Proceedings

NOTE: Unlike other Penalty Notice schemes, legal proceedings would not be for non-payment of the Penalty Notice. When legal proceedings are taken under section 444 of the Education Act 1996 or section 103 of the Education and Inspections Act 2006, The Herefordshire Council's Enforcement and Prosecution Policy (2012) will be followed.

The legal proceedings will not be instigated for the particular offence for which the Penalty Notice was issued until after the deadline for payment has passed (28 days) and cannot be convicted of that offence if they pay the penalty in accordance with the Penalty Notice.

If a penalty is not paid, Herefordshire Council will use the fact that a penalty Notice was issued and unpaid as evidence in subsequent legal proceedings. The Penalty Notice Request forms, certified by Headteachers as an accurate record of the unauthorised absence, may be used as evidence to support legal proceeding.

The issuing of penalty notices will be recorded and monitored by Herefordshire Council.

Notice: December 2014