



Ingatestone and Fryerning Church of England Junior School

Attendance policy

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1. Introduction and background

The staff and governors of the school believe that good attendance at school is vital if children are to benefit from the high-quality education that the school provides. The school is committed to doing all it can to ensure that all pupils attend regularly and on time. Each year the Governing Body set a whole school attendance target.

- An attendance of 96% or higher is defined as HIGH.
- An attendance of 95% to 95.9% is defined as ABOVE AVERAGE.
- An attendance of 94% to 94.9% is defined as AVERAGE.
- An attendance below 94% is defined as LOW.

Our target for 2023/2024 is 96%

For our children to gain the greatest benefit from their education, it is vital that they attend school regularly and be at school on time, every day the school is open unless the reason for the absence is unavoidable. It is a rule of this school that pupils must attend every day unless there are exceptional circumstances and it is the Headteacher/Head of School, not the parent, who can authorise the absence.

Any absence affects the pattern of a child's schooling and regular absence will seriously affect their learning. Any pupil's absence or late arrival disrupts teaching routines and so may affect the learning of others in the same class. Ensuring a child's regular attendance at school is a parental responsibility and permitting absence from school without a good reason creates an offence in law and may result in prosecution.

This policy has been developed in consultation with key stakeholders. It seeks to ensure that all parties involved in the practicalities of school attendance are aware and informed of attendance matters in school and to outline the school's commitment to attendance matters. It details the responsibilities of individuals and groups involved as well as the procedures in place to promote and monitor pupil attendance.

Our policy aims to raise and maintain levels of attendance by:

- Promoting a positive and welcoming atmosphere in which pupils feel safe, secure and valued.
- Raising awareness of the importance of good attendance and punctuality.
- Ensuring that attendance is monitored effectively and reasons for absences are recorded promptly and consistently.

2. Promoting regular attendance

Helping to create a pattern of regular attendance is the responsibility of parents, pupils and all members of school staff.

To help us all to focus on this, the school will:

- Give parents/carers details on attendance in our newsletters weekly.
- Report to parents/carers on their child's attendance in the annual school report.
- Contact parents/carers should their child's attendance fall below the school's target for Attendance where appropriate.

3. Understanding types of absence

Every half-day absence from school has to be classified by the school (not by the parent/carer), as either AUTHORISED or UNAUTHORISED. This is why information about the cause of any absence is always required. Each half-day is known as a 'session'.

Authorised absences are morning or afternoon sessions away from school for a genuine reason such as illness (although you may be asked to provide medical evidence for your child before this can be authorised), medical or dental appointments which unavoidably fall in school time, emergencies or other unavoidable causes. Please refer to the Traffic light system for guidance of which illnesses require time away from school. Annex A.

Unauthorised absences are those that the school does not consider reasonable and for which no 'leave' has been given. This type of absence can lead to the Local Authority using sanctions and/or legal proceedings which may include issuing each parent with a Penalty Notice for £160, reduced to £80 if paid within 21 days, or referring the matter to the Magistrates Court whereby each parent may receive a fine up to £2500 and/or up to 3 months in prison. If you are found guilty in court you, will receive a criminal conviction.

Unauthorised absences include, but are not limited to:

- parents/carers keeping children off school unnecessarily, e.g. because they had a late night or for non-infectious illness or injury that would not affect their ability to learn.
- absences that have never been properly explained.
- children who arrive at school after the close of registration are marked using a 'U'. This indicates that they are in school for safeguarding purposes, but is recorded as an absence for the session.
- shopping trips.
- children looking after other children or children accompanying siblings or parents to medical appointments.
- absences for their own or family birthdays.
- holidays taken during term time which were not deemed 'for exceptional purposes' by the Headteacher. This situation may result in school applying to the Local Authority to issue a Penalty Notice or if you have previously been issued a Penalty Notice, the school may request a direct prosecution by the Local Authority.
- day trips.
- other leave of absence in term time that has not been agreed.

4. School attendance and the law

There is no longer any entitlement in law for pupils to take time off during the term to go on holiday. In addition, the Supreme Court has ruled that the definition of regular school attendance is “in accordance with the rules prescribed by the school”.

The Education (Pupil Registration) (England) Regulations 2006 were amended in September 2013. All references to family holidays and extended leave have been removed. The amendments specify that Headteachers may not grant any leave of absence during term time unless there are ‘exceptional circumstances’ and they no longer have the discretion to authorise up to ten days of absence each academic year.

It is a rule of this school that a leave of absence shall not be granted in term time unless there are reasons considered to be exceptional by the Headteacher, irrespective of the child’s overall attendance. Only the Headteacher or his/her designate (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 the school.

At Ingatestone and Fryerning C of E Junior School 'exceptional circumstances' will be interpreted as being of unique and significant, emotional, educational or spiritual value to the child which outweighs the loss of teaching time (as determined by the Headteacher). The fundamental principles for defining ‘exceptional’ are events that are ‘rare, significant, unavoidable and short’. By 'unavoidable' we mean an event that could not reasonably be scheduled at another time.

It is highly unlikely that the school will consider applications for leave during term time:

- at any time in September. This is very important as your child needs to settle into their new class as quickly as possible.
- during assessment and test periods in the school calendar that affects your child. September, October, May and June.
- when a pupil’s attendance record already includes any level of unauthorised absence or they have already been granted authorised leave within that academic year.

Whilst any child may occasionally have time off school because they are ill, sometimes they can be reluctant to attend school. Any problems with regular attendance are best sorted out between the school, the parents and the child. If a parent thinks their child is reluctant to attend school, then we will work with that family to understand the root problem and provide any necessary support.

We can use outside agencies to help with this such as the School Nurse, Local Authority Attendance Compliance Team or a Child and Family Support Worker.

5. Persistent absenteeism

A pupil is defined by the Government as a 'persistent absentee' when they miss 10% or more schooling across the school year for whatever reason. Absence at this level will cause considerable damage to any child's education and we need a parent/carer's fullest support and cooperation to tackle this.

We monitor all absence, and the reasons that are given, thoroughly. If a child is seen to have reached the PA mark, or is at risk of moving towards that mark we will inform the parent/carer. PA pupils are tracked and monitored carefully. We also combine this with academic tracking where absence affects attainment. Communication will be made with the family to request a meeting should attendance go below 94%. We will be requesting all our PA pupils and their parents are subject to a school-based meeting and the plan may include allocation of additional support through the School Nurse, Local Attendance Adviser, Home School Liaison Worker, Local Authority, Family Solutions or Social Care. We may also use circle time, individual incentive programmes, individual targets and participation in group activities to help us raise attendance.

6. Absence procedures

If a child is absent from school, the parent/carer must follow the following procedures:

- Contact the school on the first day of absence before 9.05 am (or within 15 minutes of the specified start time). This should be done using the Studybugs app to send a message, or by telephone if you do not have access to the app. The school has an answer phone so a message can be left if nobody is available to take your call. Alternatively, you can go into school personally and speak to the office staff.
- Contact the school on every further day of absence, again before 9.05am.
- Ensure that your child returns to school as soon as possible and that you provide any medical evidence if requested to support the absence.

If your child is absent, we will:

- Telephone or text you on the first day of absence if we have not heard from you, however it is your responsibility to contact us.
- Write to you if your child's attendance has fallen below 95%.
- Invite you in to school to discuss the situation with our SLT.
- Refer the matter to the Local Authority for relevant sanctions if attendance deteriorates following the above actions.

7. Pupil illness and medical appointments

Every effort should be made to arrange medical appointments outside of school hours. However, if this is not possible an appointment letter/email or verification by the doctor/dentist/hospital is required. A Leave of Absence Request form should be completed in advance if the pupil will miss their registration.

The school adheres to the nationally recognised 48 hour policy for sickness and diarrhoea (from last bout of either) to ensure that children are fully recovered. Please ensure that they are able to eat normally before they return to school. This absence period has been shown to reduce the spread of infections amongst pupils and staff.

We recognise there are times when the sickness is not contagious and 48hour is not necessary. Please discuss with a member of SLT.

For more than three days of absence, or where there is repeated absence due to illness, the school will request medical evidence (this can take the form of an appointment card or copy of a prescription).

Where there are concerns about a child's attendance (particularly when it drops below 90%), the school will request medical evidence for any absence.

8. Attendance team

Parents are expected to contact school at an early stage and to work with the staff in resolving any problems together. This is nearly always successful. If difficulties cannot be sorted out in this way, the school may refer the child to the Local Authority. Local Authority Attendance Specialists work with schools, families and other professionals to reduce persistent absence and improve overall attendance. If attendance does not improve, legal action may be taken in the form of a Penalty Notice prosecution in the Magistrates Court or the application of an Education Supervision Order, designed to strengthen parental responsibilities and ensure improved attendance.

9. Lateness

Poor punctuality is not acceptable. If a child misses the start of the day, they can miss work and time with their class teacher getting vital information and news for the day. Late arrivals also disrupt lessons, can be embarrassing for the child and can also encourage absence. Good timekeeping is a vital life skill that will help our children as they progress through their school life and out into the wider world.

The school day starts at 8.50am. The gates are open until 9.00am. After this time (10 minutes after the published gate closure time), any child arriving at the office must be signed in by a parent/ carer and they will receive a late mark 'L'.

At 9.10am the registers will be closed. In accordance with the regulations, if your child arrives after that time they will receive a mark that shows them to be on site 'U', but this will not count as a present mark and it will mean they have an unauthorised absence. This may mean that you could face the possibility of being issued with a Penalty Notice if the problem persists. If your child has a persistent late record you will be asked to meet with the School Welfare Officer and/or Child and Family Support Worker, but you can approach us at any time if you are having problems getting your child to school on time. We expect parents and staff to encourage good punctuality by being good role models to our children and celebrate good class and individual punctuality.

10. Deletion from roll

For any pupil leaving Ingatestone and Fryerning C of E Junior School, other than at the end of year 6, parents/carers are required to complete a 'Pupils moving from school' form, which can be obtained from the school office. This provides the school with the following information: child's name, class, current address, date of leaving, new home address, name of new school and address of new school. This information is essential to ensure that we know and safeguard the whereabouts of all of our pupils.

It is crucial that parents keep the school updated with their current address, and with contact details for key family members in case of emergency.

11. Collection and analysis of data

The Office team will ensure that attendance data is complete, accurate, analysed and reported to the senior leadership team, parents and the governing body.

Attendance is monitored by class, year group and by reasons for absence. It is also analysed by gender, ethnicity, pupils with special educational needs and those who are vulnerable to poor attendance.

Attendance figures are reported to Governors regularly.

Accurate attendance returns are made to the DfES within the stipulated time frame.

12. Systems and strategies for managing and improving attendance

Parents are regularly reminded in newsletters and school meetings about the importance of good attendance and its links to attainment.

Is my child too ill for school?

https://www.nhs.uk/live-well/is-my-child-too-ill-for-school/?utm_medium=email&utm_source=govdelivery

First-day calling

Ingatestone and Fryerning C of E Junior School has in place a system of first-day calling. This means that parents will be telephoned on the first day a pupil is absent without explanation to establish a reason for the absence. This helps to identify at an early stage pupils who do not have a good reason for absence or who may be absent without their parents' knowledge. Where it is not possible to make contact with parents on the first day of absence, contact will be made with all contacts on Horizon. If this is still unsuccessful an email will be sent. SLT will be made aware and a possible home visit will be made.

Meetings with parents

Where there is an emerging pattern to a pupil's absence over a 3 to 4 week period (or sooner if staff are particularly concerned), with or without explanation, the school will invite parents to a meeting to discuss the reasons for the absences. Plans should be put

in place with the parents and pupil to resolve any difficulties and improve the attendance within a specified time limit – usually no more than 6 weeks. It will be explained to parents that any future absences will be unauthorised unless there is clear evidence of a good reason for them.

Letter home

Every half term, the school will send a letter home to the parent of any child whose attendance has dropped below 90%. This will remind parents of their responsibilities and about the possible involvement of the Educational Welfare Officer if attendance does not improve within the next 6 weeks.

Reviewing the policy

The school will review this policy with its allocated Education Welfare Officer every three years or earlier if legislation/guidance is updated.

13. Summary

The school has a legal duty to publish its absence figures to parents and to promote attendance.

Equally, parents have a duty to make sure that their children attend school, on time, every day.

All school staff and the Trust are committed to working with parents and pupils to ensure as high a level of attendance as possible.

14. Annex A

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/Head of School (and Deputy Head Teachers and Assistant Head Teachers authorised by the head teacher/head of school) 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/Head of Schools 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. 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)¹

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/Head of School 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/Head of School 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 .

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/Head of School 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 £160 for each child, however if paid within 21 days of receipt of the notice, it is reduced to £80. (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