

# Litton Church of England Primary School



## Attendance Policy

**Date Reviewed: February 2025**

**Date Approved:**

**Approved by:**

**Version:3**

**Signed:**

Handwritten signature of C. Hicks in blue ink on a grey background.

Mrs Caroline Hicks  
Headteacher

Handwritten signature of Gill Howland in blue ink on a grey background.

Mrs Gill Howland  
Chair of Governors

Review date	By whom	Summary of changes made	Date implemented
01.03.2020	B Hanley	Revision with regard to latest advice from LA	17.3.2020
25/01/2024	C.Hicks	Reviewed and updated	29.01.2024
06/02/2025	C.Hicks	Revised due to a change of Government legislation.	06/02/2025

## Litton C of E Primary School Attendance Policy

### Introduction

We aim for pupils at Litton Church of England Primary School to achieve their full potential both academically and personally. In order for this to happen they need to be in school on time for the maximum number of days per year- 190 days. We aim to work with parents/carers to ensure the children's attendance is as near to 100% as possible.

### The Role of Parents and Carers

Parents have a legal duty under the Education Act 1996 to make sure that children of compulsory school age attend the school they are registered at on a regular, full-time basis.

Allowing children of compulsory school age to be absent from school without good reason is an offence. Persistent absence may result in the matter being reported to the Local Authority. Any problems over attendance should be discussed with the school at an early stage. **It is every parent's/carer's responsibility to ensure that their child attends school, arrives on time, is properly equipped, suitably dressed and has a positive attitude to learn.**

It is also the parent's responsibility to inform the school if their child is going to be absent and to provide an explanation for the absence. **Parents must either call the school office or tell the member of staff on the school gate at the beginning of the day.** If a parent sends an email, **the school will operate the first day calling system** where the school office will call the parent to find out why their child is not attending school.

It is also the responsibility of the parent /carer to ensure that their child attends school on time and is collected on time. **Failure to attend on time will result in a late mark in the register.**

### **The role of the School**

The school has a responsibility to monitor every pupil's attendance and to report any half-day absences as either Authorised or Unauthorised. **School operates first day calling to a parent if a child fails to attend school to find out the reasons why they are not in attendance.**

The school works with the other schools in the Lady Manners Cluster to ensure that application of these procedures is consistent across all schools.

### **FAMILY HOLIDAYS AND OTHER ABSENCES**

**Information for schools in relation to Requests to the LA for formal commencement of statutory measures/legal action in relation to unsatisfactory school attendance from September 2024**

The new *Working Together to improve school attendance* guidance has resulted in changes to the way that the local authority will process and issue penalty notices or prosecute families in relation to unsatisfactory school attendance.

<https://www.gov.uk/government/publications/working-together-to-improve-school-attendance>

### **Support first approach**

As you are aware there is a strong emphasis on partners working together to support pupils and families to remove barriers to attendance prior to any consideration being given to legal intervention.

From September 2024 each school will be allocated an Inclusion Support Advisory Teacher (ISAT) who will offer schools advice and guidance in relation to attendance. This will include whole school strategy advice but also case management consultation, thereby ensuring that the school and Local Authority are satisfied that all offers of support have been

exhausted and it can be evidenced that the parent is failing in their duty to secure their child's regular attendance at school.

### **New Process**

Our new process now requires that, at the point that the school become aware of an emerging attendance concern they should send a parental responsibility letter to the parent, this is the start of the legal period of evidence should there be no subsequent improvement.

This letter should trigger a period of intense support and monitoring where a designated member of the school staff works directly with the pupil and parent/carer who has parental responsibility to try to improve the situation. These cases should be discussed with the ISAT during the targeted support meeting and the work should continue until the situation improves or it is decided that the case needs to be referred to the LA for consideration of legal intervention. We would envisage a case to be managed for a period of approximately 6 months unless the pupil was not attending at all in which case action could be taken sooner.

Once received the LA will review the evidence submitted and a decision will be made and communicated with the school. Where either a penalty notice or prosecution is being considered the LA will send the parent a formal notice to improve which will give a final 4-week period for the parent to avoid legal action.

### **New Thresholds**

The Local Authority attendance process team will only accept referrals if the case meets the following criteria:

- The pupil's overall attendance is below 90%
- The pupil has had 10 sessions of unauthorised absence in the previous 10 school weeks
- Support has been offered and it can be evidenced that the parent has not engaged

### **Escalation process**

In line with the new Government guidance Derbyshire County Council new code of conduct states that the **Local Authority will not issue more than two penalty notices within a 3-year period, consequently a third request will automatically result in consideration of a straight to court prosecution.**

### **Important reminders**

#### **School Policy**

In order for schools to use the penalty notice process they must have a policy statement which outlines the school's rule regarding leave in term-time. This information should be available for all parents of children at the school to view. It should be prominently placed on the school website and parents should be regularly reminded of the school rules regarding attendance. **Please note, if the case proceeds to the Magistrates Court this document forms part of the evidence.**

#### **Letters**

**Please note, if the case proceeds to the Magistrates Court all letters sent to parents form part of the evidence.**

Schools will send an individual letter to each parent against who you may be requesting a legal process. All letters must be dated and addressed in full even if you intend to hand the letter directly to the parent.

The Local Authority only require the school to send the parental responsibility letter at the start of the process and the failure to improve at the end, all other letters sent by the school to a parent should be tailored to reflect the individual circumstances of the case and written in a way that can be used as evidence in court if needed.

#### **GDPR**

**It is vital that all correspondence to parents is sent to a correct address. If any documentation is sent to an incorrect address by the Local Authority this will have to be reported as a DATA BREACH and the school will be named as the source of the data.**

For further advice and support contact **Cilla Warrington**

Email: cilla.warrington@derbyshire.gov.uk or telephone on: 01629 535756

### **Procedures**

The school will apply the following procedures to manage attendance and punctuality:

- Registration will take place at the start of each morning and afternoon session. Registers will be checked at the end of each session to identify absentees. Pupils with persistent absenteeism will be telephoned on that day.
- Attendance records will be stored on the school's Information Data Base and the DFE.
- **Parents/carers should inform the school on the first day of absence either by letter or telephone. E-mails are not accepted as the originator of the message cannot be verified.**
- Office staff will inform the class teacher of any known absence.
- For absences beyond three days, parents should contact the school again to detail the reason for continued absence. If this does not occur, contact may be made with home by the office staff.
- Pupils' attendance figures, including Unauthorised Absence, will be recorded on their annual report.
- The school will send details on attendance, both authorised and unauthorised to the Department for Education and Skills as required by current regulations.
- If a pupil arrives at school after the registration period (after 9.00am), they will be regarded as **'late'** and this will be registered by the School Administrator. This is an attendance error and will show on their annual report.
- The head teacher reviews the attendance half termly and monitors any child whose attendance is less than 95%. Parents may be informed

by letter if this occurs. This may result in a referral being made to the Local Authority if attendance is 90% or below. (See Appendix 3)

### **Rewards**

The school will not reward pupils who achieve good attendance as we believe that the responsibility lies with the parents and not the child.

### **Monitoring**

This policy will be reviewed by the governing body every three years or when new legislation is introduced.

### **Appendix 1**

School attendance – See advice to parents and carers from Derbyshire County Council (DCC).

### **Appendix 2**

Flow chart of action as set by Derbyshire County Council (DCC).

### **Appendix 3**

School Attendance- the law Information for parents (Leaflet from DCC).

## ADVICE FOR PARENTS AND CARERS

- **What is the Anti-Social Behaviour Act 2003?**

The Act gives powers to local authorities, schools and the police to issue penalty notices to parents or carers for their child's unsatisfactory attendance at school.

- **Why have penalty notices been introduced?**

Reducing absence from school is very important. This is because missing school can damage children's achievements, disrupt the school's routines and affect yours and other children's learning. It can also leave children at risk of anti-social behaviour and youth crime. Above all, missing out on the opportunities provided in school can have a long-term effect on children's chances in life.

- **What are my responsibilities as a parent?**

You have a legal duty to ensure that your child receives full-time education<sup>1</sup>. Where a child is registered at a school, you must ensure that your child attends school regularly and on time. You will be committing an offence, therefore, if your child fails to attend regularly and punctually and the school has not given permission for the absence or late arrival.

***Remember - only your child's school can authorise absence or late arrival.***

- **What is a penalty notice?**

A penalty notice is an alternative to prosecution. It provides the parent the option to pay a fixed amount as a fine for their child's non-attendance and avoids court proceedings. It is intended to secure better attendance without taking legal action through the courts. The decision to offer the option of a penalty notice lies with the local authority and takes into consideration the facts of the case and the threshold guidance as outlined in the Government guidance<sup>2</sup>

- **What are the penalty costs?**

In the first instance, the fine is £160 to be paid within 28 days. The 28 days starts two days after the date of issue as shown on the notice. If the fine is paid within 21 days, payment reduces to £80.

If a second penalty notice is issued within 3 years of the first the amount to be paid is £160 to be paid within 28 days with no reduction for early payment.

**PLEASE BE AWARE** when two parents/carers are issued with a penalty notice for the same child both penalty notices must be paid. The fine will apply to each parent for each child who fails to attend regularly and punctually.

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<sup>1</sup> The law states that education must be "efficient, full-time and suitable to the child's age, ability, aptitude and to any special educational needs the child may have either by regular attendance at school or otherwise (Section 7 of the Education Act 1996)"

<sup>2</sup> <https://www.gov.uk/government/publications/working-together-to-improve-school-attendance>

- **What happens if I receive a notice to improve?**

The letter will tell you how many school sessions your child has missed and give you a minimum number of school days to improve your child's attendance. If there is no significant improvement, a penalty notice may be issued.

We never take such action lightly and would prefer to work with parents or carers to improve attendance without having to enforce it. However, we will use these powers to ensure that your child attends school.

- **What does the law say regarding holidays in term-time?**

The Education (Pupil Registration) (England) (Amendment) Regulations 2013 makes it clear that the headteacher should not grant approval for any leave of absence during term-time, including holidays, unless there are exceptional circumstances.

Parents are not entitled to take their children on holiday in term-time. Planned absence can only be taken with the prior written approval of the headteacher. Each case will be considered on its own merits and the decision of the headteacher is final.

If a request for leave is denied and the pupil is absent for 5 days or more then the school is expected to refer the case to the local authority who will issue a penalty notice with no requirement for a formal warning to be issued. Penalty notices can also be issued where a pupil is absent for repeated incidents of unauthorised leave in term time but fall below the 5-day threshold.

If a penalty notice is issued the following apply:

- Each parent is liable to receive a penalty notice for each child for each period of absence
- A penalty notice will be issued without warning

Taking or allowing your child to take a holiday in term-time without the school's permission is a serious matter. If we find that you have done so, we will not hesitate to issue a penalty notice if requested to do so by the school.

- **Can I appeal?**

There is no right of appeal once a penalty notice has been issued.

We can take back a penalty notice but **only if**:

- It should not have been issued in the first place (for example, if your child was actually at school); or
- It has been issued to the wrong person; or
- It appears to Derbyshire County Council that the notice contains material errors.

If you believe that any of the above circumstances apply, you should contact Derbyshire County Council immediately with evidence to support your view. The contact details will be included in the penalty notice.

- **How do I pay?**

Details of how to pay will be included in the penalty notice. Please remember that there will be no reminder to pay and no opportunity to pay in instalments. Failure to pay within the timescales as specified in the penalty notice will result in prosecution.

- **What happens if I do not pay?**

If you do not pay, the consequences can be very serious. You have up to 28 days from receipt to pay the penalty notice in full. After this time, if it has not been paid, Derbyshire County Council is required by law to begin proceedings in the magistrates' court for the original offence of failing to secure the satisfactory attendance of your child at school.

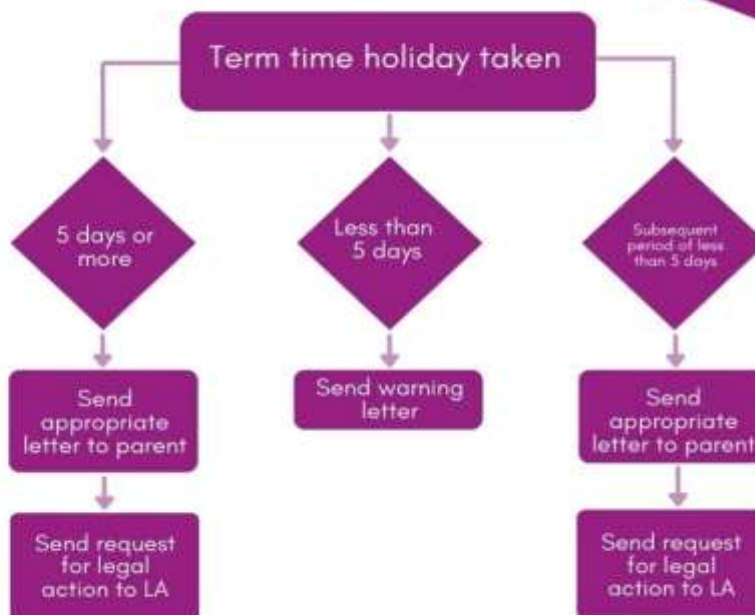
Cases will usually be dealt with by using a process called the single justice procedure (SJP), which allows the case to be heard without the need for you to attend the Magistrates Court however you still have the right to request that your case be heard in open court even you wish to plead guilty. If you wish to plead not guilty to the offence the Court will schedule a trial and you will be required to attend.

If proven, this can attract a range of fines of up to £2500, and may include other remedies such as parenting orders, community sentences, or imprisonment, depending on the circumstances. A guilty verdict will also mean that you will have a criminal record.

- **Can I be prosecuted if I pay but my child still fails to attend school?**

If your child's attendance at school does not improve a second penalty notice or escalation to prosecution may occur. You cannot be prosecuted for the period included in the existing penalty notice, however, you can be prosecuted for any further periods of non-attendance, depending on the circumstances.

## Appendix 2



## Appendix 3

### What are the fines?

A Penalty Notice fine offers a parent an alternative to prosecution. However, failure to pay a Penalty Notice will usually result in the original case being referred to a Magistrates' Court.

The fine is £120 to be paid within 28 days but will be reduced to £60 if paid within 21 days.

Penalty Notice fines are issued per parent, per child and all fines issued must be paid.

### What is a prosecution?

If a parent is prosecuted this would take place in a Magistrates' Court under section 444 of the Education Act 1996. Prosecution could result in a fine of up to £2,500, a community order or a jail sentence of up to three months. The court can also issue a Parenting Order.

Prosecution in a Magistrates' Court would be via a Single Justice Procedure Notice (which removes the need for a formal hearing to take place) or by summons for a parent to appear at a Magistrates' Court in person.

Parents can be prosecuted for issues including:

- Ongoing unsatisfactory school attendance
- Repeated cycles of short-term improvements linked to the Penalty Notice process
- Unauthorised leave of absence during term time (including holidays) which is excessive in length
- Repeated periods of unauthorised leave of absence taken during term time (including holidays)
- Non-payment of a Penalty Notice

### How can I get support?

If you have any questions or concerns about school attendance contact your child's school where staff will be able to help.

# School attendance – the law

## Information for parents

### Your responsibility as a parent

If you are a parent of a child of statutory school age (between five and 16 years) who is registered at a school you are responsible for making sure s/he attends school regularly.

### Who is a parent?

- Any natural parent, whether married or not
- Any parent who, although they are not a natural parent, has parental responsibility (as defined in the Children Act 1989) for a child or young person
- Any person who, although not a natural parent, has care of a child or young person. Having care of a child or young person means that a person with whom the child lives and who looks after the child, irrespective of what their relationship is with the child, is considered to be a parent in education law

### Why does attendance matter?

Attending school on a regular basis is the key to your child doing well at school and will set them up with good routines for later life and the working world, as well as giving them the opportunity to:

- Make friends and feel included
- Learn new things and develop skills
- Increase their confidence and self-esteem
- Improve social skills
- Achieve their potential and fulfil aspirations

### Every school day counts

Every single day a child is absent from school equates to a day of lost learning.

<b>100% attendance</b>	<b>No days missed</b>
<b>95% attendance</b>	<b>Nine days of absence</b> One week and four days of learning missed
<b>90% attendance</b>	<b>19 days of absence</b> Three weeks and four days of learning missed
<b>85% attendance</b>	<b>28 days of absence</b> Five weeks and three days of learning missed

### What is authorised absence?

This is any absence that is approved by your child's headteacher. These absences will be marked in the attendance register with an authorised absence code.

### What is unauthorised absence?

This is any absence that is not approved by your child's headteacher including:

- Absence for which a parent has not provided a reason
- Absence where the reason provided has not been accepted as justifiable or genuine by the headteacher
- If your child arrives late after the close of register

These absences will be marked in the attendance register with an unauthorised absence code.

### Leave of absence in term time (including holidays)

In accordance with Pupil Registration Regulations, headteachers must not grant approval for any leave of absence during term time, including holidays, unless there are exceptional circumstances. Headteachers of maintained and academy schools across England are expected to abide by this regulation and request legal action when a child is absent during term time without their permission – regardless of the child's wider school attendance.

### Persistent absence

Any child with attendance of or below 90% (regardless of whether the absence is authorised or unauthorised) is considered to be a persistent absentee. This equates to two days of absence each month. Statistics show that a persistent absentee is less likely to achieve their full potential.

### Your legal responsibility

As a parent you are committing an offence if you fail to make sure your child attends regularly – even if they are missing school without your knowledge. If the school believes this is the case they can ask Derbyshire County Council to take action against you. This can be through a Penalty Notice fine or prosecution in a Magistrates' Court.

### What is a Penalty Notice?

The Anti-Social Behaviour Act 2003 introduced legislation for local authorities to issue a Penalty Notice fine to the parent of a child who has unauthorised absences from school.

### A Penalty Notice can be issued for the following reasons:

- If leave is taken during term time without the permission of the headteacher
- If a child has unauthorised absence from school and their parent fails to improve the situation
- If a child persistently arrives late after the close of register
- If a child who has been excluded is seen in a public place during school hours without adult supervision