



# **Attendance Policy 2022 - 2025**



## **Introduction and Aim**

Every child of compulsory school age has the legal right to an efficient, full-time education that is suitable to their age, aptitude and any SEND they may have. Parents are legally required to make sure their child receives this education by attendance at school or by education otherwise.

At Boughton Heath we are committed to meeting our legal and statutory obligations with regards to school attendance by:

- Fostering a climate where regular attendance and punctuality are valued by the school community – teachers, parents/carers and pupils.
- Promoting good attendance and reducing absence, including persistent absence
- To provide a framework, with agreed roles and responsibilities.
- Ensuring every pupil has access to full-time education to which they are entitled
- Acting early to address patterns of absence
- To provide support and guidance for parents/carers and pupils.

Boughton Heath Academy recognises the importance of good attendance and the impact it has on children's progress, attainment, enjoyment of learning and relationships within school. Good attendance helps a child to realise their potential and ensure they are motivated, confident and enjoy a diverse range of curricular opportunities and experiences. Our school policy promotes good attendance. The school monitors attendance and ensures quick and early intervention if a problem is identified. We recognise that whole school preventative and proactive approaches are key to promoting children wellbeing and attendance. A child must attend school every day that they are required to do so unless an exceptional circumstance applies. Our policy is accessible to leaders, staff, pupils, and parents, and is published on our school website. It will be sent to Parents with any initial information when pupils join the school and parents will be reminded of it at the beginning of each school year and when it is updated. As barriers to attendance evolve quickly, the policy should be reviewed and updated as necessary. The Attendance & Punctuality Policy is based on the premise of equal opportunities for all.

### **1. Legislation**

Regular and punctual attendance at school is a legal requirement. Regular attendance is essential to enable children to maximise their educational attainment, opportunities and further development.

- Section 7 of the Education Act 1996 states that “The parent of every child of compulsory school age shall cause him/her to receive efficient full-time education either by regular attendance at school or otherwise”.
- Section 444 (1) of the Education Act 1996 states that “if a child of compulsory school age who is a registered pupil at a school fails to attend regularly at the school his parent is guilty of an offence”.
- Section 576 Education Act 1996 - Meaning of “parent”

For the purposes of Education Law, the definition of a 'parent' and who is responsible for ensuring regular attendance to school is:

- all biological parents, whether they are married or not
- any person who, although not a biological parent, has parental responsibility for a child or young person - this could be an adoptive parent, a step-parent, guardian or other relative
- any person who, although not a biological parent and does not have parental responsibility, has care of a child or young person. This could be one parent, both parents and/or carer/s.

## **2. Registers**

Registers provide the daily record of attendance of all pupils. They are legal documents and the register may be required in a court of law, for example as evidence in prosecutions for non-attendance in school. 'Education (Pupil Registration) (England) Regulations 2006' (section 6) Schools must take the attendance register at the start of the first session of each school day, morning (a.m.) and once during the second session, afternoon (p.m.).

On each occasion they must record whether every pupil is:

- Present
- Attending an approved educational activity
- Absent
- Unable to attend due to exceptional circumstances.

The school will follow up any absences to:

- Ascertain the reason
- Ensure the proper safeguarding action is taken
- Identify whether the absence is approved or not; and,
- Identify the correct code to use before entering it on to the school's electronic register, or management information system as a priority and returned to the school office in a timely manner. This is used to download data to the School Census.
- Consider early identification, assessment, intervention and support processes that may need to be implemented.

The register is to be marked using the codes as advised by the Department for Education (DfE) 'Working together to improve School Attendance Guidance' (for maintained schools, academies, independent schools and local authorities) [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1073616/Working\\_together\\_to\\_improve\\_school\\_attendance.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1073616/Working_together_to_improve_school_attendance.pdf) (See appendix 3.)

## **3. Procedure**

Children are expected to attend school regularly, unless there is good reason for absence. There are two types of absence:

- Authorised (where the school approves a pupil absence)
- Unauthorised (where school will not approve the absence)

The school has a duty to safeguard all its pupils. If a child is absent, the parents/carers should inform the school on the first day of absence and each following day of absence, stating the reason. Contact should be made directly to the office by phone 01244 732000.

The name and contact details of the senior leader responsible for the strategic approach to attendance in school is the Principal, Jon Lenton, head@boughtonheath.cheshire.sch.uk.

The school office will make contact with home when a child is absent, and the parent/carer has not notified the school of the absence. If no contact can be achieved or the reason for absence is not accepted the absence will be unauthorised. If there is concern for the child's safety other agencies will be contacted.

#### **4. What can parents/carers do to help and working in partnership with Parents/ Carers**

Let the school know straight away why your child is absent. Home/school communication is extremely important in supporting your child to achieve and feel settled in school. Try to make any dental/GP appointments outside of school time.

It is pertinent that school and parents / carers work together with a shared plan and outcomes when supporting a child's attendance and wellbeing. If despite persistent attempts to work with parents, there continues to be a lack of engagement, then legal procedures may be followed to secure engagement and school attendance.

As a school we recognise that building respectful relationships with families and working in collaboration is essential to ensuring the best outcomes for children. We require all parents to actively support the work of the school, including promoting attendance and engagement. We are committed to ensuring that systems and processes are in place with regards to promoting attendance and would encourage parents to make contact if they have concerns about their child.

We will provide parents / carers with information about Emotionally Based School Non-attendance to discuss needs and strategies to support their child, as appropriate (see EBSN Parent Leaflet).

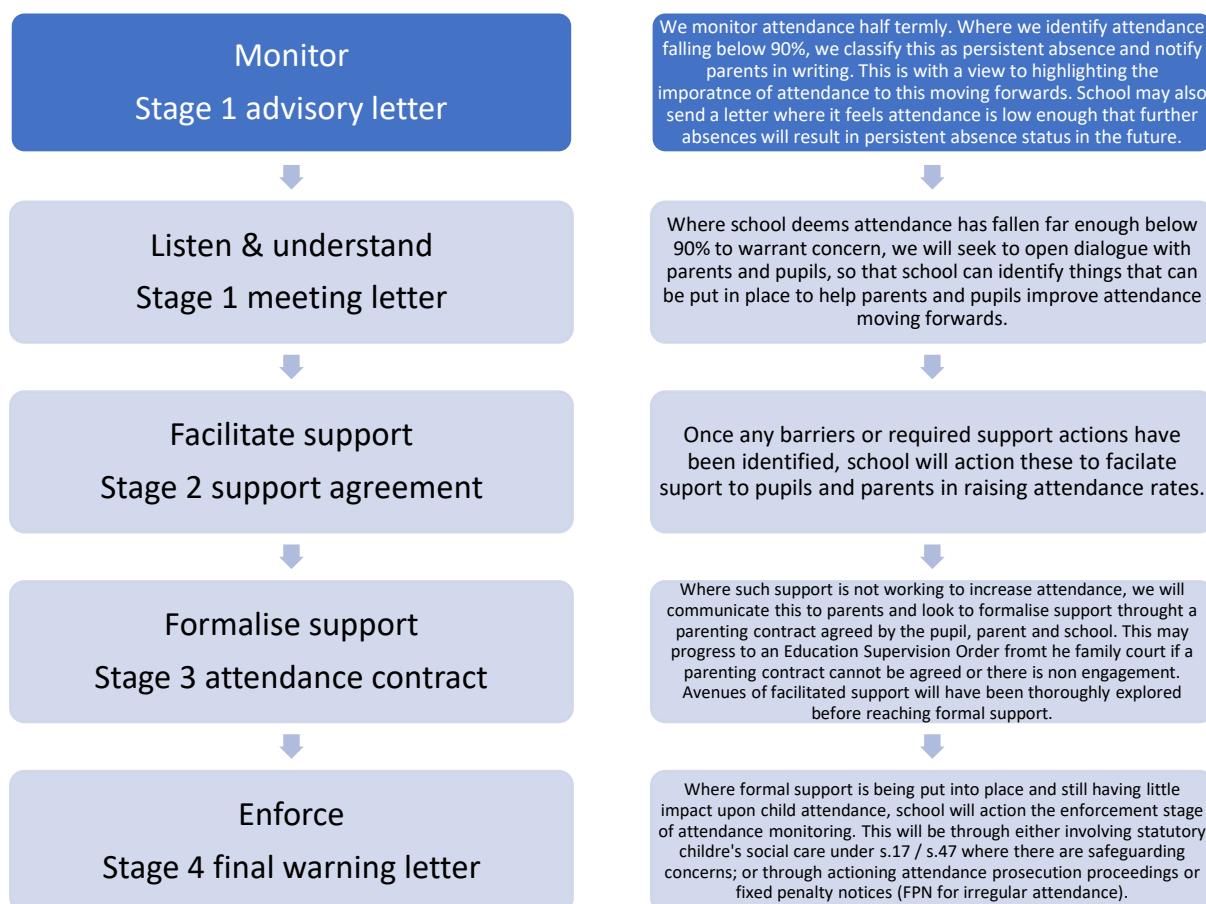
#### **5. Absence Monitoring and subsequent actions**

School robustly monitor and analyse attendance data to promptly identify and address possible concerns and allow for early interventions to support the child/family's underlying needs. Any highlighting or intervention made relating to school attendance is done to support and maintain a culture that promotes the benefits of high attendance. Drawing on strong and positive relationships with parents, such support or intervention will be offered sensitively and with clear referencing being made to helping families overcome barriers to attendance in order to improve it. Boughton Heath monitors pupil absence on a half termly basis and may also be subject to attendance checks from the Local Education Authority and the Education Welfare Service.

The persistent absence threshold is 10%. If a pupil's individual overall absence rate is greater than or equal to 10%, the pupil will be classified as a persistent absentee.

Pupil-level absence data will be collected each term and published at national and local authority level through the DfE's school absence national statistics releases. The underlying school-level absence data is published alongside the national statistics. The school will compare attendance data to the national average, and share this with the local governing board.

Following monitoring of attendance we will then action any required next steps in conjunction with guidance set out in 'Working together to improve school attendance 2022'. This is as follows:



With a view to working effectively and pro-actively with parents, the school reserves the right to exercise discretion against the above where it is deemed that exceptional circumstances have resulted in lower attendance at school.

### Parenting contracts

Parenting contracts are formal written agreements between parents and school to address irregular attendance at school. They are not legally binding contracts but a more formal route to securing engagement with supporting being offered from school to improve attendance, where this has not been successful. Parenting contracts will only be used in conjunction with parents and will not be written or agreed without parents' involvement and consent.

Parenting contracts are to be used to improve attendance and will contain:

- Details of the requirements the parents are expected to comply with,

- A statement from school agreeing to provide support to parents to meet such requirements, setting out details of such support,
- A statement from the parent that they agree to comply with the requirements detailed for a time specified by the contract.

### **Education Supervision Orders (ESO)**

Education Supervision Orders provide formal legal intervention without criminal prosecution. School will only seek to apply an ESO following unsuccessful attempts at facilitating informal and formal support. It must also be deemed that an ESO would be beneficial to both parent and pupil. There may be factors relating to safeguarding which mean an ESO would be appropriate to be sought, in which case school would liaise with the Designated Safeguarding Lead and the Local Authority in such circumstances.

ESOs are made through the Family or High Court and usually last for one year, giving a local authority a formal role in advising, helping and directing pupils and parents to ensure the pupil in question receives an efficient, full time and suitable education.

### **Attendance prosecution**

Details of attendance prosecution are set out in 'Working together to improve school attendance 2022' which states:

If a child of compulsory school age fails to attend regularly at a school at which they are registered, or at a place where alternative provision is provided for them, their parents may be guilty of an offence and can be prosecuted by the local authority.

Prosecution in the Magistrates Court is the last resort where all other voluntary and formal support or legal intervention has failed or where support has been deemed inappropriate in the circumstances of the individual case. Where it is decided to pursue prosecution, only local authorities can prosecute parents and they must fund all associated costs, including in the preparation of court documentation.

Local authorities have the power to prosecute:

- Parents who fail to comply with a school attendance order issued by the local authority to require a parent to get their child registered at a named school (under section 443 of the Education Act 1996). This may result in a fine of up to level 3 (£1,000).
- Parents who fail to secure their child's regular attendance at a school, for which there are 2 separate offences: section 444(1) where a parent fails to secure the child's regular attendance; and section 444(1A) where a parent knows that the child is failing to attend school regularly and fails to ensure the child does so. The section 444(1) offence may result in a fine of up to level 3 (£1,000) and the section 444(1A) offence may result in a fine of up to level 4 (£2,500), and/or a community order or imprisonment of up to 3 months.
- Parents who fail to secure the regular attendance of their child at a place where the local authority or governing body has arranged alternative provision (under sections 444 and 444ZA). This may result in a fine of up to level 3 (£1,000), or if the parent is found to have known the child was not attending regularly and failed to ensure that they did so, a fine of up to level 4 (£2,500), and/or a community order or imprisonment of up to 3 months.

- Parents who persistently fail to comply with directions under an Education Supervision Order (under Schedule 3 to the Children Act 1989) or breach a Parenting Order or directions under the order (under section 375 of the Sentencing Act 2020). These may result in a fine of up to level 3 (£1,000).

The decision to prosecute rests solely with the LA as an independent prosecuting authority, but in deciding whether to prosecute the local authority may wish to consider:

- The level of engagement from the parent and whether prosecution is the only avenue left to demonstrate the severity of the issue to the parent and/or cause parental engagement with the support they require.
- Whether all other legal interventions have been considered and are not appropriate or have been tried and have not worked.
- Whether statutory children's social care intervention would be more appropriate in the case (including a Child in Need or Child Protection Plan), especially where absence is severe.
- The parent(s)' response to formal warning(s) and/or evidence given in the interview under caution – including any statutory exemptions to prosecution that might apply (see below).
- The Attorney General's guidelines for public prosecutors, including public interest tests and equalities considerations.

Attendance prosecutions are only considered following exhaustion of all other measures detailed in this policy and school will only work with the Local Authority to pursue such a prosecution following the actioning and implementation of such measures.

### **Fixed penalty notices**

Details of fixed penalty notices are also set out in 'Working together to improve school attendance 2022' which states:

Fixed penalty notices are served on parents as an alternative to prosecution where they have failed to ensure that their child of compulsory school age regularly attends the school where they are registered or at a place where alternative provision is provided. Fixed penalty notices can be used by all schools (with the exception of independent schools) where the pupil's absence has not been authorised by the school and the absence constitutes an offence. Fixed penalty notices can be issued to each parent liable for the attendance offence or offences, which should usually be the parent or parents with day to day responsibility for the pupil's attendance.

Fixed penalty notices are intended to prevent the need for court action and should only be used where a fixed penalty notice is deemed likely to change parental behaviour and support to secure regular attendance has been provided and has not worked or been engaged with, or would not have been appropriate in the circumstances of the offence (e.g. an unauthorised holiday in term time).

Fixed penalty notices must be issued in line with the Education (Penalty Notices) (England) Regulations 2007 and can only be issued by a headteacher or someone authorised by them (a deputy or assistant head), a local authority officer or the police.

All schools and the police must send copies of fixed penalty notices issued to the local authority.

Fixed penalty notices may also be issued where parents allow their child to be present in a public place during school hours without reasonable justification during the first 5 days of a fixed period or permanent exclusion. The parents must have been notified by the school at the time of the exclusion the days that the child must not be present in a public place.

As a school, we are obligated to follow the above guidance before recommending to the authority that a Fixed Penalty Notice be issued to parents relating to attendance. Again, FPNs would be used following other measures of support being offered and actioned first, or where the use of an FPN would likely change parental behaviour such as taking holidays during term time.

The penalty is £60 if paid within 21 days of receipt, rising to £120 if paid after 21 days but within 28 days. The payment must be paid direct to the local authority regardless of who issued the penalty notice.

If the penalty is not paid by the end of the 28 day period, the local authority must decide either to prosecute for the original offence to which the notice applies, or withdraw the notice. Parent(s) can only be prosecuted if 28 days have expired, and full payment has not been made.

There is no right of appeal by parents against a fixed penalty notice.

Monies collected through fixed penalty notices can only be used for the administration of the fixed penalty notice system or for prosecuting for the original offence in cases of non-payment. Any surplus at the end of the year must be returned to the Secretary of State.

Fixed penalty notices are administered in accordance with Cheshire West and Chester's Code of Conduct which is detailed in Appendix 1 of this policy.

## **6. Early Identification and Intervention: assess, plan, do and review**

Every pupil has a right to a full-time education and Boughton Heath sets high attendance expectations for all pupils. Boughton Heath will consider the individual needs of pupils and their families who have specific barriers to attendance and will consider our obligations under the Equality Act 2010 and the UN Convention on the Rights of the Child.

For any child who is absent from school it is essential to fully understand the reasons for this so that targeted, evidence-based interventions and support can be put into place. All staff have a part to play in promoting attendance. We recognise the importance of ensuring that key members of staff from across the school, including class teachers, attendance, pastoral and SEND staff work in collaboration to consider and identify the holistic needs of the child/young person and to overcome barriers to attendance. In accordance with the principles of early intervention, a graduated approach of assess, plan, do and review will be followed utilising a range of school-based resources, evidence-based interventions and seeking advice and support from external services at an appropriate stage, when needed.



Appropriate assessments will be important to help understand the underlying reasons that may be contributing to attendance difficulties. This may be an assessment that focuses on the individual child's needs such as an SDQ, SEND assessments and wellbeing assessments or may include the holistic needs of the family, such as a TAF assessment. Assessments will include the views of the child/young person as well as parents/carers, and identify strengths (what is working well) and needs (what is working less well).

Assessments undertaken may identify that a child/young person is experiencing underlying emotional based needs that are contributing to non-attendance. Cheshire West and Chester Council has developed guidance for schools - Emotionally Based School Non-attendance: Good practice guidance for schools (revised November 2021). This is a whole school framework with a graduated approach to support the early identification and intervention of children/young people who may struggle to cope in school/attend school.

Information from assessments will inform a SMART action plan with focussed targets developed in partnership with families, and other services as appropriate. For example, Early Help and Prevention and Social Care may have a part to play in the delivery of support and intervention to promote engagement and attendance. SMART plans should be personalised to effectively meet a child / young person's needs and improve attendance and wellbeing outcomes.

Regular reviews of support and attendance plans are essential to monitor the impact of interventions and to adjust these accordingly. If, despite targeted support and intervention, attendance and wellbeing concerns persist, we may seek further advice and support from external services including mental health services, specialist teaching and education services.

## **7. Medical Absence**

Absence due to sickness should be reported to the school by phone on 01244 732000 on the first day of absence. The school should be kept informed during longer periods of absence. School will contact parents during the first day if no satisfactory reason for absence has been received.

For children who have persistent medical absences, we may ask for medical evidence to be provided. If no medical evidence is received, then the absence may be recorded as unauthorised. The school will work with all families on an individual basis if medical absences.

If a medical absence is likely to be ongoing or long term, then we will offer support in accordance with the school's policies and statutory guidance relating to Children with health needs. <https://www.gov.uk/government/publications/supporting-pupils-at-school-with-medical-conditions-3>. As a school we need to plan how children can access Education and how and when the child will return to school. In accordance with the Equality Act 2010 the school will also demonstrate that reasonable adjustments are made to meet child's Educational Needs.

For children who have a medical condition and cannot attend school, the school will refer to the Cheshire West and Chester Council's Medical Needs Team. <https://www.cheshirewestandchester.gov.uk/documents/education-and-learning/medical-needsservice/medical-needs-policy-latest.pdf>

Their policy states that referrals must come directly from the child's school and must be supported by medical evidence from one of the following health professionals:

- consultant paediatrician or adolescent psychiatrist
- consultant child psychiatrist
- hospital consultant

Supporting evidence from a General Practitioner alone cannot be accepted.

## **8. Lateness and Punctuality**

School gates open at 8.35am and class doors open at 8.40am with the register taken by 9.00am, and all pupils are expected to be in school for registration at that time.

- Register taken at 9.00am
- Registers close 9.25am

Any child who arrives after the gates are closed must enter the school by the main entrance and report to the school office to sign in with accompanying family member. If pupils are not in class when the register is taken, they will be coded as 'L'. Any late arrivals after 9.25am will be coded as 'U' which is an unauthorised absence for that session.

In accordance with the 'Education (Pupil Registration) (England) Regulations 2006', if your child arrives after the registers close, they will receive a mark, code U, that shows them to be on site, 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 a Fixed Penalty Notice or other legal action if the problem persists.

Children who are consistently late for school are disrupting not only their own education, but also that of other children. Where persistent lateness gives cause for concern, you will be invited to a meeting to resolve the issues. If there is no improvement following this meeting, further action will be taken which may include referral to external agencies.

You may approach the school at any time for support and advice if you are having difficulty getting your child to school on time or maintaining regular attendance.

## **9. Unauthorised Absence and Fixed Penalty Notice**

An absence may be coded as 'unauthorised' if:

- i. no reason for absence has been given
- ii. medical evidence is not received when requested
- iii. a request for a leave of absence has been unauthorised
- iv. a pupil arrives at school after registration has closed at 9.25am

Parents/carers should be aware that Boughton Heath may contact the Local Authority if a pupil has 10 or more unauthorised absences in the current term with a view to issuing a Fixed Penalty Notice or other legal action. The Fixed Penalty Notice is issued individually to each parent/carer who fails to ensure their child's regular attendance at school. The Penalty is £60 per parent/carer per child if paid within 21 days rising to

£120 if paid within 28 days. Non-payment of the Fixed Penalty Notice may result in prosecution in the Magistrates court (see appendix 1).

## **10. Application for Exceptional Circumstances**

In September 2013, amendments to the Education (Pupil Registration) (England) Regulations 2006, make it clear that Head Teachers may not grant any Leave of Absence (holiday) during term time unless there are 'exceptional circumstances'.

The Head Teacher and the Governing Body will determine what constitutes an exceptional circumstance on an individual basis. If parents/carers need to request Exceptional Leave of Absence, they must complete an 'Exceptional Leave of Absence' form available from the school office. It should be noted that if any application is declined and absence occurs of a consecutive 5 or more unauthorised days, then school may apply to the Local Authority for a Fixed Penalty Notice to be issued to each parent/carer.

The following will not be deemed to be exceptional circumstances:

- Family holiday
- Availability of less expensive holiday
- Availability of holiday accommodation
- Parent/carer's working commitments
- Holiday pre-booked by another family member

A child's absence during term time seriously disrupts their continuity of learning. Not only do they miss the teaching on the days they are away but are less prepared for the lessons building on that teaching when they return to school. There is a consequent risk of under achievement, which we must seek to avoid.

The Governing Body is responsible for ensuring any attendance issues are dealt with in line with school policy.

## **11. Religious Observance**

We recognise that some pupils may need to participate in days of religious observance. Where a day of religious observance.

- falls during school time and
- has been exclusively set apart for religious observance by the religious body to which the pupil belongs We ask that parents/carers notify Boughton Heath in writing in advance where absence is required due to a religious observance.

## **12. Enforced School Closure**

If Boughton Heath was forced to close for a period of time, we have the facility to operate an online virtual school. The expectation is children will still engage with ALL activities when work is set. Procedures for online learning will be sent to parents as and when required.

## **13. Impact**

All pupils will achieve well by developing knowledge and skills on their journey through school. Due to robust monitoring of attendance, all pupils, including vulnerable children and children with special educational needs and disabilities (SEND), will have fair and equitable access to school in order to achieve the best possible outcomes. Pupils will leave Boughton Heath ready for a successful transition to secondary education.

## **Appendix 1**

### **Cheshire West & Chester**

#### **Code of Conduct for Education Fixed Penalty Notice (Unauthorised Leave of Absence & Irregular Attendance)**

1. A Fixed Penalty Notice (FPN) can only be issued in cases of unauthorised absence.
2. A maximum of two FPNs may be issued in an academic year and these FPNs may be issued against each parent/carer of a child. Once two FPNs have been issued, should there be further unauthorised absences, the Local Authority are able to move to prosecution immediately.
3. A FPN may be issued per parent per child.
4. Penalty Notices may be considered appropriate if:
  - Unauthorised absences of at least 10 consecutive school sessions (five school days).
  - Sessions either side of a weekend or school holiday will be counted as consecutive school days.
  - For poorly attending learners, at least 10 sessions (five school days) lost due to unauthorised absence during a school term. These do not need to be consecutive.
  - For poorly attending learners, persistent late arrive at school in a term. Persistent means at least 10 sessions of late arrival.
  - The presence of an excluded child in a public place in the child's first five days of exclusion.
6. The school must notify parents of the Attendance Policy and clearly state that parents may receive an FPN for an unauthorised leave of absence relating to holiday in term time.
7. Schools and the Education Welfare Services will take into account any exceptional circumstances when determining whether to issue a FPN.

## Appendix 2

What does 'percentage attendance' mean?

Parents/carers should be advised that from September 2015 the Government have categorised those pupils who have attendance of 90% and below as 'Persistent Absence' pupils (P.A.). RSA will be specifically targeting this cohort of pupils, in an effort to improve their attendance in the future. The table below shows the learning time lost against percentage attendance figures.

Attendance during one school year	Equivalent Days	Equivalent Sessions	Equivalent Weeks	Equivalent Lessons Missed
95%	9 Days	18 Sessions	1.4 Weeks	45 Lessons
90%	19 Days	38 Sessions	3.4 Weeks	95 Lessons
85%	29 Days	58 Sessions	5.4 Weeks	145 Lessons
80%	36 Days	72 Sessions	7.1 Weeks	180 Lessons
75%	48 Days	96 Sessions	9.3 Weeks	240 Lessons

### Appendix 3

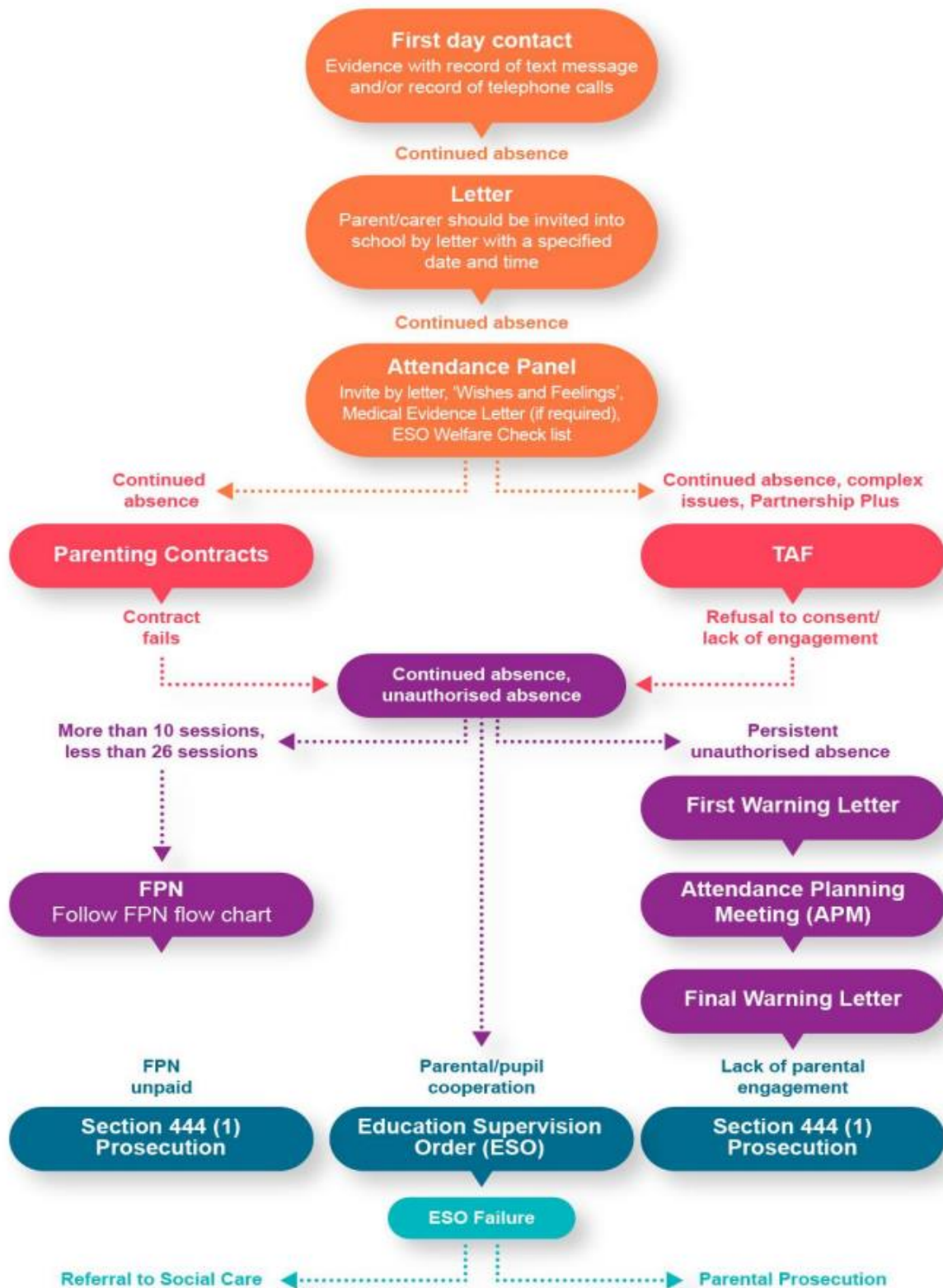
#### Absence Codes:

According to the DfE guidance the following codes are used on the register.

<b>Code I</b>	Illness	Schools can request medical evidence from parents/carers if they feel the authenticity of an illness is in doubt.
<b>Code M</b>	Medical or dental appointments	Parents/Carers are encouraged to arrange appointments out of school hours but the school will authorise if confirmation of the appointment is provided.
<b>Code C</b>	Other circumstances	This code will be used for any authorised non-medical reasons for a child's absence from school, i.e. – family funeral.
<b>Code D</b>	Dual Registered	This code will be used if a pupil is registered at two schools.
<b>Code J</b>	Interview	This code will be used when it has been agreed that the pupil can miss school to attend an interview or entrance exam
<b>Code P</b>	Approved sporting activity	This code will be used in times of approved sporting activities in school times, i.e. – training sessions, trials and sporting events.
<b>Code R</b>	Religious Observation	This code is used to cover major religious festivals during term-time. The school will only authorise one day absence for religious events.
<b>Code V</b>	Educational visits and trips	
<b>Code W</b>	Work Experience	
<b>Code G</b>	Family holiday not authorised by the school or in excess of agreed period	
<b>Code U</b>	Arrived late to school after 9.30am	
<b>Code N</b>	Reason for absence not yet provided	
<b>Code O</b>	Absent from school without authorisation	
<b>Code X</b>	Not required to be in school (not compulsory school age)	

Please note, each section says **WITHIN** the time scale, so you don't have to wait until 30 days have passed to take action.

## Attendance Guidance Flow Chart



Second Offences and severe offences can go to Section 444 (1a) prosecution and will be PACE interviewed.



## **Emotionally Based School Non-attendance (EBSN)**

Emotionally Based School Non-attendance (EBSN) is a term used to describe the needs of CYP who struggle to attend school due to underlying emotional based needs, such as anxiety, unhappiness and despair. These CYP may be reluctant to leave home and can present high levels of distress in response to parents' attempts to get them to school. This can result in prolonged absences from school. EBSN is complex and multifaceted, requiring a holistic approach to assessment and intervention. Good practice guidance emphasises the importance of early identification and intervention to support the needs of CYP who may struggle to attend school, developing a SMART support plan, with timely review processes (CW&C, 2018). The EBSN framework is embedded within the school's Attendance Policy and we use many of the tools and resources to underpin our early identification of need and targeted support and intervention approach.

Schools can access EBSN training and Guidance (EBSN: Good Practice Guidance for Schools) via: [eCWIP for Education - Cheshire West Industry Professionals](#)