



Brook Street School

Attendance Policy

| | |
|------------------------------|-------------------|
| Policy Document Title | Attendance Policy |
| Publication Date | September 2023 |
| Review Date | September 2024 |

Educational Attendance

This policy has its main points taken from the Guidance for maintained schools, academies, independent schools and local authorities by the DFE.

Central to raising standards in education and ensuring all pupils can fulfil their potential is an assumption so widely understood that it is insufficiently stated – pupils need to attend school regularly to benefit from their education. Missing out on lessons leaves children vulnerable to falling behind. Children with poor attendance tend to achieve less in both primary and secondary education. The government expects educational facilities and local authorities to:

- Promote good attendance and reduce absence, including persistent absence;
- Ensure every pupil has access to full-time education to which they are entitled; and,
- act early to address patterns of absence.
- Parents to perform their legal duty by ensuring their children of compulsory school age who are registered at school attend regularly.

- All pupils to be punctual to their education.

What does the law say and what do we have to do?

This guidance summarises the legal powers and duties that govern educational attendance and explains how they apply to local authorities, managers, school staff, governing bodies, pupils, schools and parents.

These requirements are contained in:

- The Education Act 1996 - sections 434(1)(3)(4) & (6) and 458(4) & (5)
- The Education (Pupil Registration) (England) Regulations 2006
- The Education (Pupil Registration) (England) (Amendment) Regulations 2010
- The Education (Pupil Registration) (England) (Amendment) Regulations 2011
- The Education (Pupil Registration) (England) (Amendment) Regulations 2013
- The Education (Pupil Registration) (England) (Amendment) Regulations 2016

Brook Street School will take an attendance register in the morning, this will also be backed up by a behaviour register during the day. On each occasion, Brook Street School will record whether every pupil is:

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

The school should 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 which is used to download data to the School Census

These codes are as follows:

Code B: Off-site educational activity

- Code C:** Leave of absence authorised by the company
- Code D:** Dual Registered - at another educational establishment
- Code E:** Excluded but no alternative school made
- Code G:** Holiday not authorised by the company or in excess of the period determined by the management team
- Code H:** Holiday authorised by the company
- Code I:** Illness (not medical or dental appointments)
- Code J:** At an interview with prospective employers, or another educational establishment
- Code M:** Medical or dental appointments
- Code N:** Reason for absence not yet provided
- Code O:** Absent from education without authorisation
- Code P:** Participating in a supervised sporting activity
- Code R:** Religious observance
- Code S:** Study leave
- Code T:** Gypsy, Roma and Traveller absence
- Code V:** Educational visit or trip
- Code W:** Work experience
- Code #:** Planned whole or partial company closure

If persistent unexplained absence continues to occur then the matter will be passed over to the LEA (local education authority).

What sanctions can be put in place for non-attendance?

Parents can be issued a Fixed Penalty Notice by the Local Authority for their child's non-attendance. The penalty is £60 and this rises to £120 if paid after 21 days but within 28 days. Each Local Authority should publish a 'Code of Conduct' for Fixed Penalty Notices. The school's senior management decides if they wish to fine unauthorised absences from school by issuing a Fixed Penalty Notice. The Manager then requests by a referral to the Local Authority to issue a fixed Penalty Notice on his or her behalf.

There is no right of appeal against a Fixed Penalty Notice. If this is not paid, the Local Authority can proceed to prosecution or withdraw the notice. The Local Authority can also prosecute parents for non-attendance without issuing a Fixed Penalty Notice. Only the Local Authority can prosecute parents and they must fund all associated costs. Local authorities

must conduct its investigations in line with the Police and Criminal Evidence Act 1984 (PACE).

If a registered pupil of compulsory school age fails to attend school/education provider regularly, the parent could be guilty of an offence under section 444 Education Act 1996. In April 2017, the Supreme Court held that attending school “regularly” means attendance in accordance with the rules prescribed by the school and not “sufficiently frequent attendance.” This means that a child must attend school on every day that the school requires him or her to do so and failure to do this may lead to the commission of an offence.

There are two offences:

1. Section 444(1) Education Act 1996 - If the child is absent without authorisation, then the parent is guilty of an offence. This is a strict liability offence i.e. all that needs to be shown is a lack of regular attendance. Sanctions can include a fine of up to £1,000.

2. Section 444(1A) Education Act 1996 - an aggravated offence. If the child is absent without authorisation and the parent knew about the child’s absence and failed to act then the parent is guilty of an offence. Sanctions can include a fine of up to £2,500 and a prison sentence of up to 3 months.

There are some limited defences to these offences:

The Manager/senior management authorised the absence.

- The child could not attend because of sickness or ‘unavoidable cause’ in an emergency. Case law has held that stress arising from bullying, behavioural or mental health difficulties or a ‘chaotic lifestyle’ should not be considered an ‘unavoidable cause’.
- The child was absent on a day exclusively set apart for religious observance.
- The school is outside of the statutory walking distance of the child’s home and the Local Authority has a duty to make travel arrangements in relation to the child under and has failed to discharge that duty
- The child is not registered at the school and the parents are providing a suitable alternative education.
- The parents’ trade or business requires them to travel from place to place.

Parents can also be prosecuted by Local Authorities under section 103 Education and Inspections Act 2006, where a pupil of compulsory school age who remains on the Admissions Register is found in a public place during school hours, after being excluded from school. Sanctions can include a fine of up to £1,000.

Can I ask for help in getting my child to attend school?

If you are finding it difficult to get your child to attend the school, you can ask the Local Authority and school to help you. You can agree a plan to help improve your child's attendance which can result in drawing up a 'Parenting Contract'. This is a voluntary agreement between you and the Local Authority or school governing body to encourage education attendance. The agreement is not legally binding as such but can be used as evidence if the Local Authority later decides to prosecute. The Local Authority or governing body should fund any support needed to implement the Parenting Contract e.g. a requirement to attend parenting classes.

What is a Parenting Order?

The court can impose a 'Parenting Order' following a successful prosecution for irregular attendance or failure to follow a School Attendance Order. A Parenting Order can also be made up to 6 months after a Parenting Contract has been entered into.

The court can also impose an order on its own, if the Local Authority or governing body apply for this within 40 school days of a child's serious misbehaviour or review of a child's exclusion. The order will:

- Require parents to attend parenting classes for up to 3 months, to support them in improving the child's behaviour;
- Require parents to comply with other conditions, for up to 12 months.

Parents have a right of appeal against an order to the Crown Court.

A responsible officer from the school or Local Authority will supervise the order. Breach of the order without reasonable excuse can lead to a fine of up to £1,000. The police can enforce the order.

What is a School Attendance Order?

If the Local Authority is not satisfied that the parents are providing a suitable education to a child of compulsory school age and it is appropriate for the child to attend school, they can apply for a School Attendance Order (SAO) under section 437(3) Education Act 1996.

The order will require the child's parents to register the child at a named school. Failure to comply with a SAO amounts to an offence which the parent can be prosecuted for.

As a private educational provider, Brook Street School will follow the same procedures as school institutions. However, we do understand that some of the pupils that attend do come from backgrounds that differ from mainstream pupils and this will be considered.

Staff Attendance and Sickness

Staff sickness and attendance will be taken on a case-by-case basis and dealt with following the HSE Guidelines.