

# **Monmouthshire Revised School Attendance Policy**

**December 2015**

## **1. Introduction**

Monmouthshire Inclusion Service aims to:

***Promote and support excellent school attendance by direct work with schools, pupils, their families and secure the engagement of appropriate agencies where their support is critical towards securing improved attendance***

The importance of regular attendance cannot be overestimated. It is a prerequisite to a good education and securing it must be a high priority for schools and their governing bodies, as well as for parents and pupils. Pupils who fail to attend regularly not only diminish the value of the education provided but may also jeopardise their future life chances to succeed.

The Local Authority (LA) encourages schools to adopt a **whole school approach** to attendance. This requires commitment from all staff employed within the school, together with governors, parents, pupils and the Local Authority.

This approach relates to a wide range of other issues, including punctuality, rewards and incentives, re-integration of long-term absentees, curricular differentiation, home-school links and the role of the Education Welfare Service (EWS).

## **2. Legal Framework**

Section 7 of the Education Act 1996 states that “..... *the parent of every child of compulsory school age shall cause him/her to receive full-time education suitable to his/her age, aptitude and ability and to any special education needs he/she may have, either by regular attendance at school or otherwise ...*”

Section 444 further states that “... *the parent of a child of compulsory school age registered at school and failing to attend regularly is guilty of an offence punishable in law ...*”

An offence is not committed if it can be demonstrated that:

- the pupil was absent with leave (authorised absence)
- the pupil was ill or prevented from attending by unavoidable cause
- the absence occurred on a day set aside for religious observance by the religious body to which the pupil/parents belong
- the school is not within the prescribed walking distance of the child's home and suitable transport arrangements have not been made by the LA

### **The Act also places a legal obligation on:**

- the LA to provide and enforce attendance
- the schools to register attendance and notify the LA of a child's absence from school. (Welsh Assembly circular 47/2006) and the Education (Pupil Registration) (Wales) Regulations 2010.

### **The Legislative Framework:**

- The following legislation, guidelines and documents underpin this policy:
- Education Act 1996
- Children Act 1989
- Children Act 2004
- Education and Inspections Act 2006
- SEN Code of Practice for Wales 2004
- The Learning Country and Learning Country II: Vision into Action, WAG (2006)
- School Effectiveness Framework
- The National Model for School Improvement
- National Service Framework for Children, Young People and Maternity Services in Wales, WAG (2005)
- Children and Young People's Workforce Development Strategy
- Behaving and Attending: Action Plan Responding to the National Behaviour and Attendance Review, WAG (2009)
- Inclusion and Pupil Support, WAG Circular 47/2006
- Exclusion from Schools and Pupil Referral Units, WAG Circular 001/2004
- Improving Attendance 2006, Estyn
- Education (Admission of Looked After Children) (Wales) Regulations 2009
- The Education (Penalty Notices) (Wales) Regulations 2013
- Right of the Children and Young Persons (Wales) Measure 2011
- United Nations Convention on the Rights of a Child (the right to an education)

Services for children and young people with emotional and mental health needs, Wales Audit Office and Healthcare Inspectorate Wales, 2009

### **Definitions**

- a) Compulsory school age - Under Section 8 of the Education Act 1996, children and young people should attend school from the start of the first term commencing after their fifth birthday. The end of term dates are 31 March, 31 August and 31 December. A young person ceases to be of compulsory school age on the last Friday in June of the school year in which they have their 16th birthday.
- b) The definition of 'parent' is set out in section 576 of the Education Act 1996 and includes:
  - i. all natural parents, whether they are married or not;
  - ii. any person who, although not a natural parent, has parental responsibility (as defined in the Children Act 1989) for a child or young person; and

- iii. any person who, although not a natural parent, has care of a child or young person.
- c) 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.
- d) Walking Distance - As defined by Section 3 of the Learner Travel (Wales) Measure 2008:
  - i. in relation to a primary school aged child receiving education at a maintained school, a non-maintained special school, a Pupil Referral Unit or independent school named in a statement maintained for the child, means two miles (3.218688 kilometres), **NB within Monmouthshire we currently use 1 and ½ miles for primary school aged children - this could be lower if the route is an unsafe walking route**
  - ii. in relation to a secondary school aged child receiving education at a maintained school, a non-maintained special school, a Pupil Referral Unit or independent school named in a statement maintained for the child, means three miles (4.828032 kilometres). **NB within Monmouthshire we currently use 2 miles for secondary school aged children - this could be lower if the route is an unsafe walking route**

In each case measured by the nearest available route which is safe to walk either escorted or unescorted.

- e) Full-time education - Inclusion and Pupil Support 47/2006 defines full time education as:
  - Key Stage 1: 21 hours
  - Key Stage 2: 23.5 hours
  - Key Stage 3 / 4 (Including Year 10 only): 24 hours
  - Key Stage 4 (Year 11): 25 hours

### 3. School Attendance Register

Schools are required under The Education (Pupil Registration) (Wales) Regulations 2010, to take an attendance register twice a day; at the start of the morning session and once during the afternoon session. The register may be requested in a court of law as evidence in a prosecution for non-attendance. It may also contribute information to pupils' end-of-term reports, records of achievement and leavers' references. An accurate and consistent registration system is crucial if poor attendance and punctuality within a school are to be tackled. It is vital that pupils are aware that registration is a significant part of the school day.

All staff involved with the registration process should be made aware that the law is specific regarding the keeping of registers. Marking and keeping the register is of the utmost importance.

Unauthorised absence is absence without approval from an authorised representative of the school and includes all unexplained absences. The decision taken by the school to give or withhold authorisation for an absence is a critical factor in determining the local authority's decision to prosecute parents as prosecution is only possible for unauthorised absences. There will be occasions when the school may authorise a pupil's absence and hence no offence is deemed to have been committed.

It is important that schools exercise caution in the authorisation of absence. If they are suspicious of the explanation given by parents, the absence should be further investigated and left unauthorised until the matter has been clarified to the satisfaction of the school. The decision taken by the school to authorise absence or not, is of critical importance in determining the level of involvement of the EWS. If the school has authorised a pupil's absence they have, in effect, given leave, therefore there is no case in law for the parents to answer.

It should be noted that it is an offence not to maintain accurate registers. Detailed guidance on attendance codes (revised 2010) can be found in Annex 4i in the Pupil Support Guidance Document.

#### **4. School Attendance Policy**

Schools are encouraged to develop a whole school policy on attendance in discussion with staff, governors, parents and pupils taking account of Assembly Government guidance on Inclusion and Pupil Support and good practice identified by the local authority. The School Model is the Authority's preferred approach for schools. This policy should:

- give a high priority to attendance and punctuality;
- ensure compliance with all statutory requirements;
- ensure that clear information is regularly communicated to parents and pupils;
- collect and make effective and constructive use of attendance data;
- provide clear guidance to staff on the process of registration and on such connected issues as the appropriate categorisation of absence;
- contain clear procedures to identify and follow up all absence and lateness;
- recognise the importance of early intervention;
- make provision for first-day of absence contact;
- monitor post-registration truancy through the taking of class registers and spot checks;
- be alert to critical times (e.g. Key Stage 2/3 transfer);
- identify a range of strategies to deal with absenteeism / lateness;
- provide for a clear and unambiguous hierarchy of sanctions;
- develop attendance incentive schemes which recognise pupils' attendance achievements;
- consider the setting of targets for individuals, classes, year groups, etc.;
- establish procedures for identifying and reintegrating long-term absentees;
- provide for regular structured meetings between school staff and the EWO
- ensure that reasonable steps are taken by the school before an appropriate referral is made to the EWO;

- stress to parents the importance of continuity of learning, particularly in relation to requests for family holidays during term-time which will be considered on an individual basis taking into consideration the pupil's previous/current attendance;
- use opportunities such as parents' evenings and the school prospectus / brochure to remind parents of the school policy on attendance;
- involve governors;
- identify a key senior member of staff with overall responsibility for attendance;
- ensure that good practice is identified and disseminated;
- be regularly monitored and reviewed; and
- take steps to create a culture which encourages attendance, addressing school based causes of poor attendance such as bullying, racism, the curriculum, etc.

## 5. Absence

It is important to emphasise that there are two different types of absence, **authorised** and **unauthorised**, and that unauthorised absence is perceived as truancy which could ultimately result in the Education Welfare Service (EWS) having to prosecute parents for the non school attendance of their child/ren.

Parents should be reminded that **it is only the head teacher who may decide whether an absence is to be authorised or unauthorised**. Parents should also be made aware that a letter does not in itself authorise an absence, only the school's acceptance of the explanation offered by the letter authorises the absence. It is important to clarify precisely what constitutes authorised or unauthorised absence. Examples of authorised absence include:

- Sickness
- Unavoidable medical/dental appointments
- Days of religious observance
- Exceptional family circumstances, such as bereavement

### **Authorised Absence**

Only a Head teacher can authorise an absence. Parents and the Local Authority do not have the power to authorise absences.

The key points head teachers should consider when deciding to authorise absence are:

- It is a legal requirement that registered pupils of compulsory school age attend school regularly and punctually
- Schools are not obliged to accept a parental explanation for pupil absence where there is doubt as to the validity of that explanation
- Parents should be aware that only **the head teacher** has the right to agree to a pupil's absence for family holidays in term time. Each application for leave should be considered in view of the specific circumstances of the family
- Schools should always expect regular and punctual attendance, even when the school is aware of family difficulties

- An explanation is required for every absence. If one is not forthcoming the absence will be treated as unauthorised
- Where absence is authorised, schools should remain vigilant to emerging patterns of non-attendance
- Lateness should be actively discouraged and persistent lateness treated in the same way as irregular attendance

### **Unauthorised Absence**

Unauthorised absence is absence without approval from the head teacher of the school and includes all unexplained absences. Thus, the decision taken by the head teacher to give, or withhold, authorisation for an absence, is critical in determining the LA's approach to any attendance case; for if a child's absence is approved by the Head teacher, for whatever reasons, no offence is deemed to have been committed and the EWS cannot consider prosecuting parents.

If schools are suspicious of the explanation given by parents, the absence should be recorded as unauthorised until further investigations have clarified the circumstances to the satisfaction of the school.

## **6. The Role of Parents**

- Parents and guardians have a duty to ensure that their child of compulsory school age receives suitable full-time education (Education Act 1996, Section 7) suitable to his/her age, ability and aptitude and any special educational needs s/he may have
- They are responsible for ensuring their child arrives at school on time
- They should ensure that their child stays at school for the day unless alternative arrangements are made
- Parents and guardians are responsible for informing schools of the reason for their child's absence as soon as possible, preferably on the first day of absence
- Parents may allow their child to be absent from school:
  - i. with the permission of the head teacher for a day of religious observance
  - ii. because they live beyond the statutory walking distance and no transport has been provided by the LA (unless the parent has chosen a school outside the prescribed catchment area)
  - iii. because he or she is prevented from attending school by an unavoidable cause directly affecting the pupil (e.g. illness)
- Head teachers may authorise up to 10 days holiday per academic year and will need to respond to parental requests for holidays in term time on an individual basis and will make their decision whether to authorise or not on an individual pupil's circumstances
- They are encouraged to see themselves as partners with schools in the education of their children

### **Parentally Condoned Absence**

Parentally condoned absence is more difficult to identify than any other form. If there is reason to doubt that the explanation offered about a particular absence is genuine, the absence should be treated as unauthorised. Since all absences are to be treated as unauthorised unless and until schools agree on a satisfactory explanation, it is important that schools have procedures, consistently applied, to pursue explanations and for amending registers (Welsh Assembly Circular 47/2006, p. 73). Such procedures would indicate a request for medical advice from the school nurse regarding non-school attendance.

- Pupils are not expected to attend school when they are not well enough to do so whether as a result of short term, long term or recurring illnesses. However, they should not be kept away from school when they are well enough to go to lessons or when they have minor ailments which do not prevent them from taking part in their education. It would be useful to consider whether the ailment would keep parents and teachers away from work.
- Schools should have an established system in place to enable parents / carers to report their child's absence because of illness. It is reasonable for the school to ask the nature of the illness, ask the parent the expected length of absence and make arrangements for the parent to call the school again if the situation changes.
- Schools have the right to consider whether to accept the parent / carers position with regard to medical absence as there are occasions when parents report parentally condoned absence to the school as medical absence. If the school has concerns that the illness may not either be genuine or warrant the amount of absence accruing, the school may ask the parent to substantiate the illness by asking to see additional evidence such as a medical appointment card.
- However, staff should not request additional evidence every time pupils miss school due to illness. Restricting such requests to when the school has concerns that a pupil was not ill or that the illness was trivial and did not warrant time off reduces the administrative burden on schools. Schools and local authority staff should also be aware of the pressure they could place on doctors' appointment systems if they request a Doctor's Note every time pupils are ill. They should also be aware of the limited value that such notes have if a doctor did not treat the pupil for the illness.
- Schools should have a clear policy to address incidences of recurring absence where illness is given as a reason, but where there are indications or concerns that this may not be the case. In schools, where there is illness that appears unfounded, this can result in the pupil and parent or carer being offered an appointment with the school nurse.

### **Absence during term time**

Parents do not have an automatic right to withdraw pupils from school for a holiday and, in law, have to apply for permission in advance. Monmouthshire County Council advises all Head Teachers to consider any parental request for holidays during term time on an individual basis.

Such considerations may result in the school agreeing with the request and authorising the absence accordingly.

However, where parents fail to abide by the head teacher's decision not to authorise an absence and keep their child away from school or where parents fail to seek permission for time off, then time taken will be treated as an **unauthorised absence** in accordance with the application of this policy.

All requests for holiday during term time should be in writing, which should be made by a parent / carer of the child even if they are not going on holiday with them. If the parent with whom the child lives does not give consent to the holiday, leave cannot be given lawfully by the school except by a court order.

Where schools are experiencing difficulties with unauthorised absence during term time, they may wish to:

- issue a letter on the matter to parents, requesting a meeting to discuss further; or
- contact the school EWO for advice and support.

### **Extended overseas trips**

When making judgements about extended absence for pupils from minority ethnic families, schools should ensure that full account has been taken, not only of the Regulations and Welsh Assembly Government guidance, but also of the situation of minority ethnic families in general and the particular circumstances relating to each individual case. It is important that schools show an understanding of the parents' perspective even though the school may not be able to comply with a request for absence.

Schools should ensure that all parents are aware of the school's policy on absence.

In the case of minority ethnic parents, special care should be taken to ensure that the Regulations are fully explained and understood. Interpreters should be used if necessary or, where a number of parents are concerned, the school may wish to consider organising a special meeting for these parents.

Schools should take account of the following:

- a visit involving a family overseas has an entirely different significance from the normal associations with 'holiday' which is the category recognised by the Welsh Assembly Government;
- visits may be very important in terms of children's identity and self-esteem as they grow up;
- parents may feel that the planned visit outweighs the importance of their child's uninterrupted attendance at school - maintaining family links may involve greater significance and greater pressure in some societies than it does in the UK; and
- the reasons for parents making a visit may be similar to those for indigenous parents, e.g. family illness, bereavement, etc.



However, schools should explain to parents that:-

- advance permission is required and the absence should be planned carefully with the school;
- if holiday leave must be taken during term time, the head teacher can only authorise absence up to ten school days, any additional time in excess of this would be unauthorised
- their child's name may be removed from the register if he or she has not returned to school within ten school days of the expected date of return.

## **7. Overview of Roles and Responsibilities of Education Welfare Service and School Attendance Leads:**

The EWS and School Attendance Leads provide support to schools, pupils and parents to ensure regular attendance and address problems relating to absenteeism. The Service liaises with other agencies and provides an important link between home and school helping parents and teachers to work in partnership in order that pupils benefit from the educational opportunities available locally.

The EWS acts on behalf of the local authority in enforcing a parent's duty to provide appropriate education. The main function of the EWS is to improve overall attendance and pupil wellbeing and to reduce persistent absence in all schools and alternative education provision. However, in many instances the EWS also undertake other related duties, which may include:

- working with other agencies to address underlying issues which may impact upon attendance
- playing an active role in the safeguarding agenda.
- regulating child employment and performance licences for school age children;

The main role of the EWS in Monmouthshire is to:

- contribute to the local authority and school's drive for school effectiveness;
- work in partnership with schools, pupils, parents and communities to ensure educational entitlement and regular attendance;
- link with a network of agencies providing education, health and social services for individuals with specific needs; and
- Work effectively and proactively with School Attendance Leads to increase attendance, reduce absence and improve pupil wellbeing.

This is sought to be achieved through:

- promoting and supporting whole school attendance policies, particularly the Local Authority Strategy for Improving Attendance
- providing advice on proven good practice;
- working together with school staff, pupils, parents and relevant others on programmes designed to improve attendance level;
- undertaking individual work with pupils;

- undertaking family centred work;
- developing group work with pupils and parents; and
- initiating statutory proceedings on behalf of the Local Authority.

Importantly, legal action to enforce attendance can only be taken by Monmouthshire Council through its EWS and Legal Services.

## **Engaging and Working with Parents**

Parentally condoned absence is, in many ways, more difficult to identify than any other form of pupil absence. This form of absence is equally as damaging to the pupil's educational experience as any other form of absence. The parents, in many cases, perceive that they are keeping their child away from school for legitimate reasons. They may feel that they are protecting their child/children. It is essential when school staff feel that a pattern of non-attendance is emerging, they work closely with education, social and health support services to ensure the most appropriate and effective intervention is available to the pupil and parents.

Effective engagement is the bedrock on which all work with parents is built. Engagement should be underpinned by the values and principles that guide the work of the EWS. Key to this is respecting parents' rights and supporting them in meeting their responsibilities.

Parents of children from different cultures may feel that the school is not a safe or proper environment for their child. It is vital that schools investigate and endeavour to recognise cultural issues that may prevent a pupil from attending school. There are support services that will assist and advise schools and parents on ways forward when these difficulties arise.

A pupil's punctuality is a legal requirement and the parents / carers of a pupil who is persistently late are guilty of an offence. The law treats persistent lateness (after the close of the Register) in the same way as irregular attendance and parents can be prosecuted if late arrival is not resolved.

Parents can do a great deal to support the regular and punctual attendance of their children. In Monmouthshire we are committed to working with our parents and schools to support and encourage them to:

- take an active interest in their child's school life and work;
- attend, when possible, parents' evenings and other school events;
- ensure that their child completes his / her homework and goes to bed at an appropriate time;
- be aware of letters from school which their child brings home;
- ensure that their child arrives at school on time each day;
- ensure that their child only misses school for reasons which are unavoidable or justified, such as illness or days of religious observance;
- always notify the school as soon as possible - preferably on the first morning of any absence;
- confirm this in writing when the child returns to school;

- to ensure family holidays do not take place during term-time; and
- talk to the school if they are concerned that their child may be reluctant to go to school.

The Attendance Strategy sets out the following:

- a clear agreement between the school and the Local Authority Education Welfare Service on the actions to be taken by the school, the EWS and the School Attendance Lead;
- the amount of support that schools can expect based on clear criteria including staff responsible for attendance as well as the responsibilities of the school on the appropriateness and timeliness of referrals etc.

## **8. The Role of the Local Authority**

Under section 437 of the Education Act 1996, Monmouthshire Council has a duty to ensure that a child for whom they are responsible is receiving a suitable education either by regular attendance at school or otherwise. Further information can be found in Section 4 of the 'Inclusion and Pupil Support' guidance document.

In September 2009 the Welsh Assembly Government commenced Section 436A of the Education and Inspections Act 2006 which requires that local authorities must make arrangements to enable them to establish (so far as it is possible to do so) the identities of children residing in their area who are not receiving a 'suitable education'.

Implementation of the duty under section 436A should be integrated with the wider range of duties placed on local authorities, including the Children's Act 2004 (sections 25-29) and the Welsh Assembly Government's Safeguarding Children Working Together under the Children's Act 2004 that aims to improve outcomes, and safeguard and promote the welfare of children.

New legislation has empowered a designated officer from Monmouthshire to issue Fixed Penalty Notices (FPNs) to parents of children and young people who have unauthorised absence from school. The issuing of FPNs will be the responsibility of the Principal Officer Inclusion in response to requests made by head teachers, their nominated deputies and the police. (See Local Authority's Code of Conduct – Fixed Penalty Notice for Non-Attendance at School).

A School Attendance Order (SAO) applies in cases when a parent of a child of compulsory school age fails to prove that the child is receiving suitable education and where the authority believes the child should attend school. A SAO may be used to direct a parent to send their child to a specified school, and should be used when a pupil is not on roll at any school. They are not intended for pupils who attend irregularly.

- The LA is charged in law with enforcing attendance
- The LA can apply to the courts for an Education Supervision Order (Children Act 1989, Section 36) and where necessary can prosecute parents who fail to ensure their child's attendance at school (Education Act 1996, Section 444)

- The Education Welfare Service works on behalf of the LA with schools, Social Services, Youth Offending Service (YOS), the Police and other relevant agencies in helping parents and the LA to meet their statutory obligations on school attendance
- The LA works with schools to develop whole-school policies to improve pupils' attendance at school
- The LA liaises with the police in arranging and conducting truancy patrols when appropriate

Information on pupils; attendance is monitored by the Inclusion Service. This data is used to support schools in increasing their attendance levels and decreasing their frequency of unauthorised absence, particularly in relation to vulnerable groups.

- All schools to make data available to the LA, ideally in electronic format.
- The LA will collate and analyse attendance data to provide an appropriate targeted provision of services
- The figures are reported to the Directorate Management Team and reviewed as part of the progress report of the directorate's service plans
- The Governing Body of each school should review its attendance policy on a regular basis

## **9. Target Setting**

There is a statutory requirement to set attendance targets yearly, which have to be agreed by the school governors. These targets are set in consultation between the Principal Officer Inclusion and Schools and shared with the EAS. The targets should be both realistic and sufficiently challenging in order to raise school attendance in general.

Schools need to be aware of the interventions that have been successful as part of their evaluation process. Evaluation might usefully be an annual item on the agenda of the governing body, with termly updates in the school governors' meetings at Primary and Secondary level. When evaluating procedures, the school will consider whether or not:

- Attendance has improved
- Punctuality has improved
- Parental response to absences has improved
- Reintegration plans have been successful
- The school has been successful in raising the profile of attendance, with the school, the governing body, parents and the local community

Should further advice or guidance on this policy be required please contact Richard Austin- Principal Officer Inclusion on 01633 644559.