

# Attendance Policy

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1.0	05 April 2019	J Lake	First Published Version
1.1	27 April 2020	H Fox	Reviewed no substantive changes. Clarification added with regard to issuing body for Penalty notices.
1.2	02 March 2022	G Smith	There have been slight changes and clarifications about the attendance processes and the support offered by schools.
1.3	24 June 2022	L Paton	Reviewed in line with guidance and expectation for September 2022
1.4	26 June 2023	J Macdonald	New policy template introduced

*This policy has been written with consideration given to working practices. By adopting this policy, a reduction in workload has been facilitated by reducing the need for individual academies to interpret the policy locally.*

This policy draws from and must be read in conjunction with the DFE [Guidance working together to improve school attendance](#) and [Summary table of responsibilities for school attendance](#).

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## PART 1

The name and contact details of the senior leader responsible for strategic approach to attendance will be published by each school. The name and contact details of school staff who pupils and parents should contact about attendance on a day-to-day basis will be published by each school. The name and contact details of school staff who pupils and parents should contact for more detailed support with attendance will be published by each school (see school level appendix).

### Statement of Intent

Dartmoor Multi-Academy Trust promotes good attendance through our positive and welcoming ethos. Within all of our settings each individual is valued and encouraged to do their best. The national policy landscape continues to increasingly emphasise the importance of wellbeing and relationships in shaping positive outcomes for young people. Improving wellbeing is a key priority at The Trust. The ethos and culture of our schools is such that it supports positive attitudes towards attendance from all stakeholders. We are committed to developing strong relationships between staff, pupils, parents and the local community by supporting at the earliest opportunity where there need is identified.

Fundamental to the Attendance Strategy at The Trust is the principal of partnership working. All stakeholders have a role in working together to promote and achieve a regular pattern of attendance for the young people in all our schools.

Attendance is everyone's business, and everyone involved with the care of children is equally responsible for ensuring children's attendance. This means schools, LAs, social care, NHS workers and community partners all have a responsibility to see every child in school every day, and to wrap support around that child. All partners should make children's attendance a top priority. Every child should be in school every day, supported and ready to learn. Every child has the right to a fantastic education (Dame Rachel de Souza, Children's commissioner for England). We encourage and assist all pupils to achieve excellent levels of attendance and punctuality so that they are able to access the curriculum and take full advantage of the opportunities available to them.

The Trust recognises that good attendance occurs when young people enjoy, and are excited, about coming to school. School staff are committed to creating an environment that is conducive to high levels of attendance. Measures include:

- Creating a climate where attendance and punctuality are valued as a priority by the whole school community, including pupils, parents, staff and governors.
- A positive ethos and culture
- Ensuring pupils are included and engaged
- Using nurturing approaches and creating safe spaces where learners can thrive
- Addressing barriers to learning and participation, taking into account the needs of all young people
- Teach and model a love of learning, helping families to see the value of the education that is offered to them
- Promoting positive relationships among young people and adults
- Developing positive, open, and effective communication between home and school and providing support, advice and guidance for parents and pupils

- Creating personalised and achievable targets for pupils, based on their medical needs and/or additional needs that is realistic and appropriate for each individual
- Reviewing and improving anti-bullying measures
- Promoting the importance of good attendance through celebration and recognition. (Attendance celebration systems used within a school will take exceptions for 'authorised absence' into account, which are pupils whose absence marks relate to a recognised impairment (as the Disability Discrimination Act requires us to treat those with a disability 'more favourably') or those pupils granted leave for religious observance.

The Trust actively promotes and encourages 100 per cent attendance for all our pupils. We recognise that parents have a vital role to play and that there is a need to establish strong home-school links and communication systems that can be utilised to celebrate positive patterns of attendance in an appropriate and sensitive manner, as well open communication when there is a concern about absence. Parents/carers have a key role to play in promoting and supporting regular attendance of their children in school and Trust staff are committed to working in partnership.

If there are challenges which affect a pupil's attendance, we will investigate, identify and strive in partnership with parents and pupils to resolve those problems as quickly and efficiently as possible. We will support our families and use a focused approach to enable the pupil to achieve full attendance at all times.

## Absence Procedures

In case of pupil absence from school, parents/carers are requested to contact the school by sending an email, text message or telephone call before the start of the school day. Parent/carers are asked to provide as reason for this absence so that this can be accurately recorded. If a young person does not attend school, the absence will be checked against details of contacts made by the parents, including expected date of return to school. If a parent has not advised the school their child will be absent, then it must be assumed that they are unaware of the absence and that the pupil is either missing or absent without parental awareness. This must be recorded as unauthorised absence until an explanation is received by the school. The young person's form tutor/class teacher will contact the parent/carer after an unauthorised absence to establish if any support is needed. The tutor/class teacher will also check in with the pupil when they return to school to establish if any support is needed. The tutor/class teacher will also check in with the pupil when they return to school to offer support and encouragement. If a pattern of absence is becoming apparent, school staff are committed to continuing to work alongside parents to resolve any issues, based on positive and trusting relationships between the home and school.

It is important that information about pupils attendance and absence is recorded and that information is used to inform interventions to support pupils.

Parents/Carers will be contacted when a young person has not arrived in school. This is usually done by text message and sometimes parents will receive a phone call from the Attendance Officer or another member of staff if there has been no communication about the reason for absence.

If attempts to contact the parent are not successful, then emergency contact numbers, such as those of other family members, will be used.

If the parent/carer cannot be contacted to confirm the whereabouts of the pupil, the record of absence should be passed to their form tutor/class teacher who will consider the information in light of known attendance issues, support needs or current concerns about the young person. This member of staff will follow the School's absence procedures and follow up as appropriate. If there are known safeguarding concerns, the information will also be shared with the Designated Safeguarding Officer to determine appropriate next steps.

Many issues relating to absence in school can be dealt with quickly and promptly by within school supports and by ensuring that there are positive relationships in place to support young people and their families. However, there may be occasions when absence from school becomes a more significant cause for concern and The Trust schools will consider the most appropriate next steps in consultation with the pupil and parents, to ensure improved attendance, these may include:

- High quality pastoral care systems for early response to absence and signs of difficulty
- Effective approaches for assessment and planning for additional support needs to address any barriers to learning that might be impacting on attendance
- Early support meetings between the student's form tutor/class teacher and the parent to identify and discuss any potential barriers to attendance
- Creation of a supportive, time-limited attendance action plan which clearly outlines the supports and structures that are required to be in place to support wellbeing and/or additional needs
- Flexible pathways and consideration of approaches to include and engage pupils in their learning
- Initiation of a multi-agency Early Help Assessment (EHA )

\* If all support in school has been exhausted and attendance has not been improved, the school will discuss the concerns with the Local Authority Attendance Improvement Team who may consider measures for compulsory compliance by parents/carers of young people through Education Supervisions Orders, Fixed Penalty Notices or Parenting Orders.

## Managing Attendance – day to day processes

Individual schools will publish the timings of the school day. Pupils arriving after registration opens but before registration closes are deemed as late 'before registration closes'. Pupils arriving after registration closes are considered 'late after registration has closed', They will lose their mark for the whole session and the absence is recorded as 'unauthorised'.

Each child will receive an AM session mark (schools will publish the individual times children are expected to arrive in school), and a PM session mark. PM registers will be taken AFTER the lunch break.

Parents are expected to inform the school if their child is absent by email/text/telephone giving the reason for absence. The school will follow first day calling procedures for pupils who are absent with no explanation as follows:

1. After registers are taken and absence notifications are noted, produce list of pupils absent with no explanation
2. Double check in school before starting calls.
3. Call/text everyone on the contact list. We leave messages if there is a voicemail option.
4. Once contact is made, stop the 'first day calling' process.
5. If unsuccessful, Call the contact list twice.
6. If no reply from anyone on the contact list, consider: - Does the child have additional agency support, such as a social worker, contact them. Explore any in school intelligence regarding the family.
7. If no answer, DSL consider possible next steps, including a home visit welfare check or referral to children's services / MASH / Police where appropriate.

Once the child has returned to school following an unauthorised absence, or where a pattern of absence is forming (3 incidents of absence within a 4 week period), their form tutor/class teacher will call parent/carer to offer support, as well as 'check in' with the pupil to ensure there are no concerns, and to offer support if any party identifies any difficulties.

The reason for late arrivals and early departures will be added as a comment in the session mark for the day so that the school and parents have a complete record of any absences for their child.

If the absence is for more than one day, the school should be kept informed on a daily basis.

## Communication

Schools have a duty to regularly keep parents/carers informed of their child's attendance. At the DMAT, each school will report attendance twice each half term, so as all parents and carers can be aware of attendance levels and actively promote good attendance with their child/children.

Schools within the DMAT will also send letters to parents if attendance falls below a certain level, to offer support and arrange meetings to develop Attendance Support Plans. We do expect parents to engage with this process so as we can work collaboratively to ensure every young person accesses the education they deserve.

Initial letters will be sent at the following points;

Attendance below 95% - Letter to offer support, identify barriers and invite parents to make contact if there is anything they feel school can support with

Below 90% - A meeting will be arranged in school to develop an Attendance Support Plan, a letter will be sent informing parents of the date and time of the meeting.

Subsequent letters will follow depending on support plan review dates, progress made, engagement.

If there has been no engagement from parents or no improvement following support, the school will meet with the Trust Education Welfare and Inclusion Lead to discuss possible next steps and arrange a more formal meeting which may lead to referral to the Local Authority Attendance Improvement Team.

Letters will also be sent home to inform parents/carers if their child/children is arriving at school late and it is becoming a concern.

## Expectations

### 1.1 What you can expect from The Dartmoor Multi Academy Trust:

- Take an active role in attendance improvement, support schools to prioritise attendance, and work with leaders to fulfil expectations and duties and set whole school cultures.
- Ensure school staff receive training on attendance.
- Regularly review attendance data and help school leaders focus support on the pupils who need it.

### 1.2 What you can expect from schools:

- Build strong relationships with families: work with each identified pupil and their parents to understand and address reasons for absence, including any in-school barriers to attendance
- To identify, signpost and support access to any required services when out of school barriers are identified
- Ensure join up with pastoral support and where required, put in place additional support and adjustments, such as an individual healthcare plans and ensuring the provision outlined in the pupil's EHCP is accessed
- If an attendance issue persists, take an active part in the multi-agency effort with the local authority and other community partners to support the pupil and family
- Where absence becomes persistent (90% and under), put additional targeted support in place to remove any barriers and develop a robust, supportive, time-limited attendance action plan
- Where there is a lack of engagement, hold more formal conversations with parents and be clear about the potential need for legal intervention in future, reminding them of their legal duty in regard to their child's attendance
- Where there are safeguarding concerns, intensify support through statutory services.
- Have a whole school culture that promotes the benefits of good attendance
- A clear school attendance policy on the school website which all staff, pupils and parents understand.
- A dedicated senior leader with overall responsibility for championing and improving attendance.
- Robust daily processes to follow up absence
- Proactively use data to identify pupils at risk of poor attendance.
- Work with other schools in the local area, such as schools previously attended and the schools of any siblings.
- To agree a joint approach for all severely absent (50% and under) pupils with the local authority.

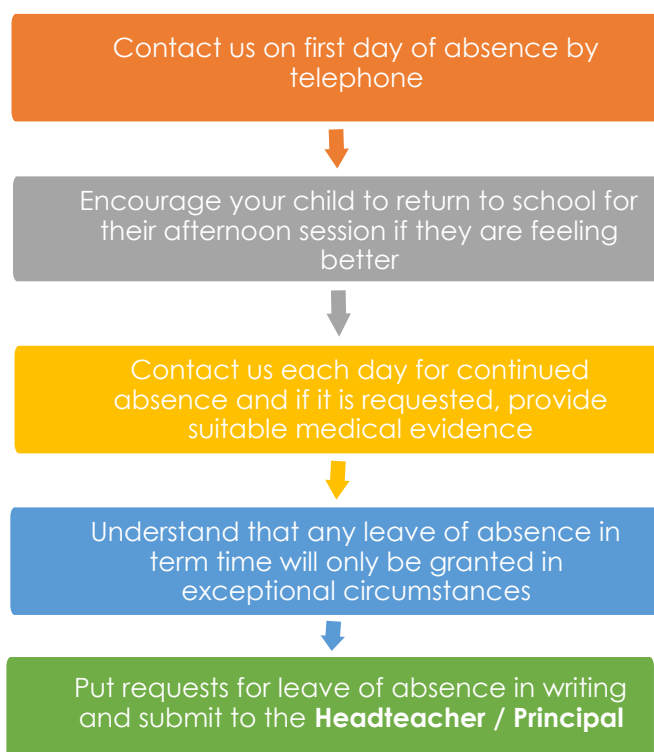
### 1.3 What Dartmoor Multi Academy Trust expects from pupils:

- Doing all they can do to attend school and all of their lessons every day and on time, except when a statutory reason applies (See Part 2 - 3.1).
- Being ready to learn.
- Playing a positive role in the life of the school and making the most of the educational opportunities available to them.
- Asking a member of staff for support if they are experiencing difficulties either at home or in school and engage in the support provided.
- Celebrating their successes and achievements.

### 1.4 What Dartmoor Multi Academy Trust expects from Parents/Carers:

- To ensure their child attends every day the school is open except when a statutory reason applies
- To ensure their child attends punctually, dressed in full uniform and equipped to learn.
- To notify the school as soon as possible when their child has to be unexpectedly absent
- Only request leave of absence in exceptional circumstances and do so in advance.
- To avoid making medical or dental appointments during school time as far as possible - Where possible, medical appointments should be made out of school hours or during school holidays. For any appointments during the school day, please send in a copy of your child's appointment card/letter.
- To work with the school and local authority to help them understand their child's barriers to attendance.
- To proactively engage with the support when offered – including any attendance support action plans, voluntary early help plan or parenting contracts to prevent the need for legal intervention.

Please follow this process if your child is going to be absent from school:



## How the school is promoting and incentivising good attendance

Each school will publish its own strategies and procedures (see school level appendix)



## PART 2 – Important Information for Parents/Carers

### Legislation

**The Education Act 1996 requires parents/carers to ensure their children receive effective, fulltime education, either by regular attendance at school or otherwise. Schools are responsible for and are expected to accurately record admission and attendance registers.**

### DMAT strategy for using data to target attendance improvement efforts

Attendance data informs action planning and supports the identification of key priorities in our school development plan and future revisions of this policy. The attendance data will be reported to the Hub Principal/Principal and all other relevant staff, to facilitate discussions with pupils and families. Data will also be used by the school to monitor the impact of any interventions put in place to modify them and inform future strategies.

Pupil-level absence data is collected regularly and published at national and local authority level through the DfE's school absence national statistics releases. We compare our attendance data to the national average and use the following ways of monitoring data to inform practice;

- Monitor session, daily and weekly attendance data.
- Analyse attendance data for individual pupils, groups and cohorts across the school in order identify patterns, trends and anomalies. Use this analysis to provide regular attendance reports to class teachers or tutors to facilitate discussions.
- Identify the pupils who need support and focus efforts on developing targeted actions.
- Conduct thorough analysis of half termly, termly and full year data to identify patterns and trends.
- Benchmark data at whole school, year group and cohort level against local, regional and national level.
- Devise specific strategies to address areas of poor attendance identifies through data.

### Authorised and Unauthorised absences

#### 1.1 Authorised Absences

An authorised absence is when approval has been given in advance for a pupil of compulsory school age to be absent for a specific (legal) purpose, or we have accepted an explanation offered afterwards as justification for absence from a parent or carer. This may include:

- An absence for illness for which we have granted leave
- Medical or dental appointments may be granted leave where every attempt has been made to arrange outside of school hours, has been unsuccessful and so cannot be avoided, or where the appointment is a genuine emergency
- Religious or cultural observances for which we have granted leave. The day must be exclusively set apart for religious observance by the religious body to which the parents or pupil belong. Where necessary, we will seek advice from the parents' religious body about whether it has set the day apart for religious observance

- An absence due to a change to exceptional circumstances

## 1.2 Unauthorised Absences

An unauthorised absence is defined as one where we are not satisfied with the reasons given for the absence. Reasons may include:

- Parents keeping children from attending unnecessarily or without reason
- Missing sessions before or during the school day
- Absences which have never been properly explained
- Arrival after the register has closed
- Day trips and holidays in term time that have not been agreed
- Leaving our school without authorisation during the day

## 1.3 Absences during Term Time

- Permission must be sought in advance to take a pupil out of school during term time, which can only be requested from a parent/carer with parental responsibility and with whom the child normally lives, using the appropriate Absence Request Form (S2 Form) for all other nonmedical absence.
- If the circumstances relating to this request are considered exceptional and the absence is authorised by the school, the authorising of the absences will be conditional on the child's attendance being satisfactory up to the date covered by this request. If the academy withdraws the authorisation due to the attendance dropping to an unacceptable level, the parent/carer will be informed of this in writing.
- If a request is refused and the child is taken out of school, this will be recorded as an unauthorised absence, which may then be liable to a penalty notice, payable by each parent/carer, or the subject of court proceedings which could result in a fine of up to £2,500 and/or a term of imprisonment of up to 3 months.
- A session is defined as one half day of school. If a student misses a full day of education this is counted as 2 sessions.

## Pupils with medical conditions or special educational needs and disabilities

Schools should be the place where every child can find support for their needs, with routes into more specialist support where this is necessary. This means that every school should be able to support children with SEND, with mental health needs, children who have problems at home, or who are experiencing bullying (Dame Rachel de Souza, Children's commissioner for England).

2.1 Some pupils face greater barriers to attendance than their peers. These can include pupils who suffer from long term medical conditions or who have special educational needs and disabilities. Their right to an education is the same as any other pupil and therefore the attendance ambition for these pupils should be the same as they are for any other pupil. That said, in working with their parents to improve attendance, schools should be mindful of the barriers these pupils face and put additional support in place where necessary to help them access their full-time education. This should include:

- Having sensitive conversations and developing good support for pupils with physical or mental health conditions. For example, making reasonable adjustments where a pupil has a disability or putting in place an individual healthcare plan where needed. Considering whether additional support from external partners (including the local authority or health services) would be appropriate, making referrals in a timely manner and working together

with those services to deliver any subsequent support. Implementing an Individual Healthcare plan so all relevant staff are aware of difficulties and support needed.

- Working with parents to develop specific support approaches for attendance for pupils with special educational needs and disabilities, including where applicable ensuring the provision outlined in the pupil's education, health and care plan is accessed. In addition, schools should work with families to help support routines where school transport is regularly being missed and work with other partners to encourage the scheduling of additional support interventions or medical appointments outside of the main school day. Please see further details on SEN support.
- Establishing strategies for removing the in-school barriers these pupils face, including considering support or reasonable adjustments for uniform, transport, routines, access to support in school and lunchtime arrangements.
- Ensuring joined up pastoral care is in place where needed and consider whether a time-limited phased return to school would be appropriate, for example for those affected by anxiety about school attendance.
- Ensuring data is regularly monitored for these groups including at board and governing body meetings and in Targeting Support Meetings with the local authority so that additional support from other partners is accessed where necessary.

2.2 Pupils with long term illnesses or other health needs may need additional support to continue their education, such as alternative provision provided by the local authority. Local authorities are responsible for arranging suitable education for children of compulsory school age who, because of health reasons, would otherwise not receive suitable education. Please see further information on supporting pupils with medical conditions at school.

## Truancy

It is the legal responsibility of parents/carers to ensure their child attends all lessons as required. Parents/carers will be informed by the school if their child has been identified as truanting from school and absence processes will be followed. We would appreciate a collaborative approach with parents to eliminate any truancy issues identified.

## When Attendance causes concern

3.1 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, Parents will be offered supportive meetings to discuss the school's attendance concerns.

**It is important to note that unauthorised absence could mean that the parents/carers may be guilty of an offence and can be prosecuted by the local authority. In order to avoid this, we encourage partnership working at all times.**

3.2 Parents will be contacted on the first day of absence whenever any student is absent without reason, or persistently late, and will be reminded, if necessary, of their legal responsibility for ensuring that a child of compulsory school age attends school regularly.

3.3 The Attendance Officer/Form Tutor/Class Teacher/ Senior Leader is responsible for following up any concerns for attendance, informing parents where there are concerns regarding attendance, and for reporting persistent problems to the designated senior leader.

3.4 Parents will be offered supportive meetings to discuss the school's attendance concerns once a child has dropped to 95% attendance, and parents/carers will be invited into a

meeting to develop an attendance action plan once attendance has dropped to 90% or below.

- 3.5 The school will consider any 'reasonable adjustments' that can be made to support and improve attendance.
- 3.6 As part of the strategy to improve attendance, parents and carers will be offered Early Help at every stage. You can find information about this here [Early Help - Devon Children and Families Partnership \(dcfp.org.uk\)](https://www.dcfp.org.uk)
- 3.7 Notification letters will be sent home where a child's attendance or punctuality is of concern or drops below an acceptable standard as follows:
  - Below 95% attendance (Letter 1)
  - Below 90% attendance (Letter 2)
  - No improvement (Letter 3)
  - 5 sessions late within 4 weeks (Late Letter 1)
  - 15 sessions late (Late Letter 2)
  - Medical information letter, only where the school has reasonable doubt about the authenticity of the illness

## **Persistent and severe absence**

- \* Persistent Absence is defined as: 10% or more of sessions missed (based on each pupil's possible sessions). Absences may be authorised or unauthorised.
  - \* Severe Absence is defined as: 50% or more of sessions missed (based on each pupil's possible sessions). Absences may be authorised or unauthorised.
  - \* Persistent lateness is defined as pupils who have five or more late marks recorded in a single half-term.
- 4.1 Where absence escalates and pupils miss 10% or more of school (equivalent to 1 day or more a fortnight across a full school year), schools and local authorities are expected to work together to put additional targeted support in place to remove any barriers to attendance and reengage these pupils. In doing so, the DMAT schools will take into consideration the reasons for absence and re-enforce the importance of school as a place of safety and support for children who might be facing difficulties, rather than reaching immediately for punitive approaches. Where appropriate, when a child within the Trust falls below 90% attendance, an Attendance Support plan will be developed in partnership with the parent and any other professionals who may be able to help, to improve attendance and prevent it from falling further.
  - 4.2 Pupils, who are PA, will be discussed as a potential concern at weekly or fortnightly attendance review meetings. Where pupils have an identified special educational need, the schools SENCO will also provide support, so that the impact of needs are clearly understood and appropriate, supportive actions are taken.
  - 4.3 Particular focus should be given by all partners to pupils who are absent from school more than they are present (those missing 50% or more of school). These severely absent pupils may find it more difficult to be in school or face bigger barriers to their regular attendance and as such are likely to need more intensive support across a range of partners. A

concerted effort is therefore needed across all relevant services to prioritise them. All partners should work together to make this group the top priority for support.

- 4.4 If all avenues of support have been facilitated by schools, local authorities, and other partners, and the appropriate educational support or placements have been provided but persistent or severe absence for unauthorised reasons continues, the school will need to consider whether this constitutes a safeguarding concern. Any safeguarding concerns will be discussed with the DSL to consider appropriate next steps. Further information is available in the statutory guidance on Keeping Children Safe in Education - [Keeping children safe in education](#)
- 4.5 In all cases, schools and local authorities are expected to make patterns of both persistent and severe absence a focus of their regular data monitoring and identify pupils and cohorts who need targeted attendance support as quickly as possible. Both persistent and severe absence are central to school, trust, and local authority level strategies for improving attendance.

**There are 190 school days each year, this means that there are 175 non-school days a year.**

Attendance %	Rating	As a guide (number of days missed)	Description
100%	Perfect Attendance	0	This is the best chance of success for your child
97%	Good Attendance	5	
95%	Improvement Required	9	Less chance of your child succeeding as it is harder for them to make progress – Support will be offered to remove any barriers to attendance
92%	Concern	15	
<b>Below 90% (persistent absence)</b>	<b>Serious Concern **</b>	<b>19</b>	<b>Serious Concern</b> <b>Missing this much education can cause a significant disadvantage to your child. An attendance support plan will be put in place to ensure your child's attendance can improve. Without improvement to attendance the consequence could be legal action.</b>

## Referral to the LA Attendance Improvement Team

To be revised in September

## Attendance Prosecution

- 5.1 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.
- 5.2 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.
- 5.3 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).

5.4 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.

5.5 The 1996 Act also sets out the circumstances in which a pupil has not failed to attend school regularly and therefore the parent has not committed an offence under section 444(1) or (1A) of the Act (the statutory defences). These are:

- The parent proves the pupil was prevented from attending by their ill health or any unavoidable cause, including exclusion.
- The pupil has been granted leave of absence by the school or, in the case of alternative provision, by a person authorised to do so.
- The absence was on a day set aside for religious observance by the religious body to which the pupil's parent(s) belong.
- The parent proves the local authority were under a duty to provide transport to the school and have failed to do so.

- If the school is an independent school, the parent proves that the school is not in walking distance of the pupil's home and the local authority have not made suitable arrangements for the child to either board at the school or be admitted to a state funded school closer to home.
- If the absence was from certain types of alternative provision, the parent proves the child is receiving education otherwise than by regular attendance.
- If the absence was from alternative provision, the parent had not been notified about the provision in writing before the absence.
- If the child has no fixed abode and the parent can prove that their trade / business requires them to travel, and the child has attended school as regularly as the nature of the trade or business permits, and (if the child is 6 or over) the child has attended school for at least 200 sessions during the preceding 12 months up to and including the date on which the proceedings were instituted.

## Policy Circulation

- This Policy will be published on the Trust's website and included in the Trust's Policy Monitoring Schedule.
- This Policy will be published on each school's website and circulated to all parents.
- This Policy will be circulated to every Member, Trustee/Director, Governor and Senior Employee by sending an email to the link on the Trust's website on an annual basis and when each new Member, Trustee/Director, Governor and Senior Employee joins the Trust.
- The Trust Executive Team, is responsible for overseeing, reviewing and organising the revision of this Policy.

**The Trust is committed to providing a full and effective educational experience for all pupils. We believe that if pupils are to benefit from education, punctual, daily attendance is crucial. Irregular attendance undermines the educational process and can lead to educational and social disadvantage.**

## Relevant legislation and guidance

[Working together to improve school attendance](#)

[Summary table of responsibilities for school attendance](#)

[The Education Act 1996](#)

[The Children Act 1989](#)

[The Crime and Disorder Act 1998](#)

[The Anti-social Behaviour Act 2003](#)

[The Education and Inspections Act 2006](#)

[The Sentencing Act 2020](#)

[The Education \(Pupil Registration\) \(England\) Regulations 2006](#)

[The Education \(Parenting Contracts and Parenting Orders\) \(England\) Regulations 2007](#)

[The Education \(Penalty Notices\) \(England\) Regulations 2007](#)

[Parental responsibility measures for attendance and behaviour](#)

[Children missing education](#)

[Keeping children safe in education](#)

[Working together to safeguard children](#)

[Elective home education](#)

[Alternative provision: statutory guidance for local authorities](#)

[Exclusion from maintained schools, academies and pupil referral units in England](#)

[Supporting pupils at school with medical conditions](#)

[Ensuring a good education for children who cannot attend school because of health needs](#)

[Promoting and supporting mental health and wellbeing in schools and colleges](#) [Approaches to preventing and tackling bullying](#)  
[Voices of England's missing children](#)