



**St Nicholas Church of England**  
**Voluntary Aided Primary School**  
**Child Okeford**

*Friendship · Respect · Curiosity · Community*

***Exploring possibilities together***

*With God all things are possible*

*Matthew 19:26*

# Attendance Policy

Policy adopted:	March 2017
Approval Level:	Full Governors
Last Review:	January 2023
Policy review period:	1 Year
Next Review:	January 2024

## 1. **Aims and objectives:**

- (1) To foster a high expectation of pupils' attendance in school on a regular basis.
- (2) To raise family awareness of the importance of a child's regular attendance at school.
- (3) To inform parents/ guardians/ carers as to the legitimate reasons for absence.
- (4) To maintain an accurate attendance/ registering system and a mechanism for monitoring and controlling attendance.
- (5) To maintain a clear policy on attendance which is known to all staff, pupils and parents/ guardians/ carers.
- (6) To maintain clear communication both within the school and between school and parents

## 2. **Principles**

- (1) School attendance is a high priority. Dorset County will work with all partners to promote and support good attendance
- (2) All children and young people have a fundamental right to education in order to achieve their maximum potential.
- (3) Good attendance is secured when there is a strong culture of partnership between the local authority, School Governors, Headteachers, parents and other partners each with clearly expressed and understood roles and responsibilities. Parents/carers should be fully involved as key partners in securing regular school attendance.
- (4) Early identification, communication and action on attendance problems are critical in achieving successful outcomes.

## 3. **Statutory Framework**

Section 7 Education Act 1996

It is the duty of the parent of every child of compulsory school age to cause him or her to receive efficient full time education suitable:

- To his/her age, ability and aptitude, and
- To any special educational needs he/she may have, either by regular attendance at school or otherwise
- Compulsory school age begins at the start of the term following the child's 5<sup>th</sup> birthday and ends on the last Friday in June of the school year when they reach 16.
- The Supreme Court ruling on 6<sup>th</sup> April 2017 stated that 'regularly' means 'in accordance with the rules prescribed by the school'.

Failure to discharge this duty may result in the LEA prosecuting the parents and each parent may be fined. The school will follow the *Dorset Council Children's Services Penalty Notice Protocol* and additional guidance as set out in Appendix A, before issuing penalty notices.

## 4. **Duties of the Local Authority (LA)**

The local authority has statutory powers to bring legal action against parents/carers who:

- Fail to ensure regular attendance at school of a registered pupil
- Fail to ensure their child is receiving a suitable education – either by regular attendance at school or at a place where alternative provision is provided for them.
- The local authority has a duty under Section 437 of the Education Act 1996 to serve a notice or a school attendance order to the parent/carer.

## 5. Relevant Legislation

Only local authorities can prosecute parents/carers. In education law and for the purposes of this document the definition of a parent is as described in the Education Act 1996, Section

576. A parent means:

- All natural parents whether they are married or not
- Any person who has parental responsibility for a child or young person, and
- Any person who has care of a child or young person i.e. lives with and looks after the child.

The local authority and school will decide who comes within the definition of parent/carer in respect of a particular pupil when using the legal measures, but generally parents/carers include all those with day-to-day responsibility for a child.

For full details of other statutory guidance relating to school attendance and parental responsibility

refer to:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/581539/School\\_attendance\\_parental\\_responsibility\\_measures\\_statutory\\_guidance.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/581539/School_attendance_parental_responsibility_measures_statutory_guidance.pdf)

This guidance contains details of the legal sanctions available to the local authority. Dorset's Penalty Notice Protocol is attached at Appendix A.

## 6. Categorisation of absence

Any pupil who is on roll but not present in the school must be recorded within one of these categories.

(1) **Authorised absences** are mornings or afternoons away from school for a good reason when the school has either given approval in advance for this or the explanation given afterwards is deemed to be valid under the Education Act 1994. Authorised absences include illness, some other unavoidable cause or on a day that the pupil's parents/carers' religion sets aside for religious activities.

- An absence must not automatically be recorded as authorised simply because it is covered by a note from the pupil's parent/carer.
- When appropriate, an absence initially recorded as authorised may subsequently be amended to unauthorised. In such circumstances all relevant details relating to the amendment must be recorded.
- Please note that if a child has been sick or had diarrhoea, they should stay at home for 48 hours following the last episode, to reduce the risk of infecting others.

(2) **Unauthorised absences** are those, which the school does not consider reasonable and for which no "leave" has been given. This includes keeping children off school unnecessarily, truancy, absences, which have not been properly explained and children who arrive at school too late to receive a mark in the register. The Headteacher has responsibility for deciding if an absence is authorised or unauthorised. If the reason for a pupil's absence has not been established at the time the register is taken, the absence must be recorded as unauthorised. Any subsequent correction to a register recording an absence as authorised must be made as soon as is practicable after the reason for the absence has been established.

## 7. Approved educational activity

(1) This covers types of supervised educational activity undertaken off site but with the approval of the school.

- (2) Note: pupils recorded in this category are deemed to be present for attendance returns purposes.
- (3) This would include:

- (i) field trips and educational visits;
- (ii) sporting activities;
- (iii) link courses or approved education off site;
- (iv) medical appointments, where every effort has been made to make these outside school time; and
- (v) musical exams, where every effort has been made to make these outside school time.

(4) If a pupil is receiving education off site or is attending at a school where they are dual registered, the school will liaise with the other education provider to check on attendance.

(5) Further guidance is available at:

<https://www.gov.uk/government/publications/school-attendance>

## 8. Procedures used for the absence of individuals

The school applies the following procedures in deciding how to deal with individual initial absences:

(i) Any child who is absent from school at the morning or afternoon registration period must have their absence recorded as being authorised, unauthorised or as an approved educational activity (attendance out of school). Only the Headteacher or a member of staff acting on their behalf can authorise absence. If there is no known reason for the absence at registration, then the absence will be recorded in the first instance as unauthorised.

(ii) The coding for any absences will be in accordance with the guidance provided by the Department of Education (Appendix B).

(iii) **First Day Absence:** absences should be reported to the school office before 9.15am on the first day of absence. Otherwise the school will phone to confirm the absence. This is recorded and communicated to staff verbally or via a memo in the class register. If no reason is communicated before the start of school, the teachers should inform the school secretary of any child whose absence is unexplained; the school secretary will then make contact with the parents and record this. In the case of vulnerable children, we will inform the appropriate agencies if no information is received. This may include Children Services and/ or the Local Authority.

(iv) **Third Day of Absence:** a standard letter will be sent, requesting parents explain their child's continued absence and inviting them in to discuss the reasons and possible support.

(v) **Ten Day's Absence:** the absence of any pupil without an explanation for 10 consecutive days will be notified to the Local Authority, by submitting a referral to the Children's Services School Attendance Team; this is a legal requirement. The school will include details of the action that they have taken.

(vi) **Absence notes:** notes received from parents explaining absence are kept for the remainder of the academic year. If there are attendance concerns about the pupil, that may require further investigation, then the notes may need to be retained for a longer period.

## 9. Frequent absence or persistent absence (PA)

(1) Within the school, it is the responsibility of all staff to be aware of and bring attention to, any emerging attendance concerns. In cases where a pupil begins to develop a pattern of absences, the school will try to resolve the problem as soon as possible.

(2) Our graduated response includes:

- (i) children causing concern are discussed at weekly staff meeting and regularly reviewed;
- (ii) a standard letter is sent, inviting parents in for a meeting to explore reasons and action support. At this meeting our graduated response will be explained to the parents;
- (iii) directly involve the child in the process;
- (iv) advice will be sought from the School Attendance Team if there is no significant improvement;
- (v) if absence persists a CAF (Common Assessment Frame) is raised with parental permission and a TAF (Team Around the Family) will be organised as soon as possible;
- (vi) pupils will be subject to an action plan to support their return to full attendance. These action plans will be set up by lead professional in coordinating the response; in most instances this will be the Head teacher;
- (vii) if absence persists the case will be presented to the Attendance Panel and the Local Authority's legal team; and
- (viii) in cases where we consider the child to be at immediate risk of harm a referral will be made to the safeguarding hub.

#### 10. **Welcome Back**

- (1) It is important that on return from an absence all pupils are made to feel welcome. This should include ensuring that the pupil is helped to catch up on missed work and brought up to date on any information that has been passed to the other pupils.
- (2) Parents will be invited to meet with the child's class teacher to outline the specific gaps, due to missed work and signpost parents to relevant resources.
- (3) Children may be invited to attend homework club or intervention groups, where appropriate

#### 11. **Leave of absence in term time**

- (1) Leave of absence during term time will be discouraged. Parents will be reminded of the effect that absence can have on a pupil's potential achievement.
- (2) Families wishing to request an authorised absence must complete and submit a request form at least two weeks prior to families taking a holiday.
- (3) The school will consider any application for leave of absence and will only agree to authorise the absence in exceptional circumstances; we define exceptional circumstances as rare, significant and unavoidable.
- (4) At St Nicholas CEVA Primary School any leave agreed is likely to be short and is entirely at the schools' discretion. Exceptional circumstances do not include normal family holidays.
- (5) Events that may be considered are for example:
  - (i) a close family funeral– one day normally granted;
  - (ii) the marriage or re-marriage ceremony (not honeymoon) of a parent or older sibling only – normally one to two days, up to one week if ceremony is abroad;
  - (iii) graduation of a parent or older sibling only – one day normally granted;
  - (iv) religious observance for major festivals, such as Eid, for one or two days; or
  - (v) Service personnel, who are prevented from taking holidays outside term time, if the holiday will have minimal disruption to the pupil's education.
- (6) When considering applications for absence during term time we will take the following into account:
  - (i) the nature of the event for which leave is sought;
  - (ii) the frequency of the request;
  - (iii) whether the parent/ carer gave advance notice; and
  - (iv) the pupil's attainment, attendance and ability to catch up on missed schooling.

(7) The number of school days a child can be away from school if leave is granted will be determined by the Headteacher. The school will follow the *Dorset Council Children's Services Penalty Notice Protocol* and additional guidance, as set out in Appendix A, before issuing penalty notices.

## **12. Lateness**

(1) Morning registration will take place at the start of school at 8:45-8:55 am. The registers will remain open for 10 minutes. Any pupil arriving after this time will be marked as having an unauthorised absence unless there is an acceptable explanation i.e. school transport was delayed. In cases, for example, where the absence at registration was for attending an early morning medical appointment, the appropriate authorised absence code will be entered.

(2) The afternoon registration will be at 1:15 pm.

(3) A pupil arriving late may seriously disrupt not only his or her continuity of learning but also that of others.

(4) Should a pupil arrive late and have missed registration, he or she will need to be "signed in" at the School Reception Office for purposes of emergency evacuation.

(5) The school secretary will then insert the appropriate code in the class register.

## **13. Monitoring attendance and lateness**

(1) Attendance and lateness is monitored regularly by the Headteacher and Admin Officer. Where children's attendance falls below 95%, parents will be informed.

(2) The average attendance for the whole school is monitored monthly and attendance is expected to be 100%.

(3) The school will review its systems for improving attendance at regular intervals to ensure that it is achieving its set goals.

(4) Whole School attendance is discussed termly at the Full Governing Body Meeting.

(5) Lateness is also regularly monitored and parents informed if the school has concerns. Teachers are to report concerns to the Headteacher as soon as they arise, in accordance with our agreed procedures.

(6) The school secretary checks attendance daily and enters attendance information into SIMS weekly.

## **14. Promoting attendance**

(1) We recognize that the foundation for good attendance is a strong partnership between the school, parents and the child.

(2) We will ensure that our pupils are made aware of the importance of good attendance and how this will benefit them, through newsletters, parent forum and school council meetings.

(3) We directly involve the child and use bespoke reward systems that are dependent on the child's emotional resilience and age.

(4) Certificates celebrating 100% attendance at the end of the academic year.

## **15. Removal from school roll**

There are several circumstances when a pupil of compulsory school age must be removed from the admission register.

These include:

- when a pupil has been registered at another school but is not being dual registered
- when a pupil has ceased to attend school and the parent/carer has indicated in writing to the school that the pupil is being electively home educated

A pupil's name cannot be removed from the admission register because of poor/irregular attendance, nor can it be deleted at the request of a parent/carer.

Where a pupil is on the roll of a special school the pupil's name must not be removed without the prior consent of the local authority.

## **16. Relevant Guidance and Information**

It is expected that all schools follow the guidance on attendance registers and codes. This information also provides guidance on school terms and school days.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/818204/School\\_attendance\\_July\\_2019.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/818204/School_attendance_July_2019.pdf)

The Education (Pupil Registration) (England) Regulations 2006 contains full details of the regulations relating to pupil registration and a full list of the grounds for removing a pupil's name from the admission register.

[http://www.legislation.gov.uk/ukxi/2006/1751/pdfs/ukxi\\_20061751\\_en.pdf](http://www.legislation.gov.uk/ukxi/2006/1751/pdfs/ukxi_20061751_en.pdf)

## **17. Children Missing Education (CME)**

The government has placed a duty on local authorities (Education and Inspections Act 2006) to make arrangements to establish (as far as it is possible to do so) the identities of children in their area who are of compulsory school age and not receiving a suitable education.

Children Missing Education (CME) refers to all children of compulsory school age who are neither on a school roll nor being educated other than at school or who have been out of any educational provision for a substantial period of time.

(1) In these circumstances the school uses the attached flow chart (see Appendix C) to ensure the appropriate actions are followed as there are potentially significant safeguarding concerns.

All children, regardless of their circumstances, are entitled to a full-time education which is suitable to their age, ability, aptitude and any special educational needs they may have.

A child going missing from education is a potential indicator of abuse or neglect. School staff should follow the school's procedures for dealing with children that go missing from education, particularly on repeat occasions, to help identify the risk of abuse and neglect, including sexual exploitation, and to help prevent the risks of their going missing in future.

Schools should put in place appropriate safeguarding policies, procedures and responses for children who go missing from education, particularly on repeat occasions.

It is essential that all staff are alert to signs to look out for and the individual triggers to be aware of when considering the risks of potential safeguarding concerns such as travelling to conflict zones, Female Genital Mutilation (FGM) and forced marriage.

The law requires all schools to have an admission register and an attendance register. All pupils must be placed on both registers.

**All** schools must inform their local authority of any pupil who is going to be deleted from the admission register where they:

- have been taken out of school by their parents and are being educated outside the school system e.g. home education;  
Kate Williams 01305 224762 email: [kate.williams@dorsetcouncil.gov.uk](mailto:kate.williams@dorsetcouncil.gov.uk))
- have ceased to attend school and no longer live within reasonable distance of the school at which they are registered;  
[cme@dorsetcouncil.gov.uk](mailto:cme@dorsetcouncil.gov.uk)
- have been certified by the school medical officer as unlikely to be in a fit state of health to attend school before ceasing to be of compulsory school age, and neither he/she nor his/her parent has indicated the intention to continue to attend the school after ceasing to be of compulsory school age;
- are in custody for a period of more than four months due to a final court order and the proprietor does not reasonably believe they will be returning to the school at the end of that period; or, have been permanently excluded.  
Kate Williams 01305 224762 email: [kate.williams@dorsetcouncil.gov.uk](mailto:kate.williams@dorsetcouncil.gov.uk))

As stated previously the local authority must be notified when a school is to delete a pupil from its register under the above circumstances. This should be done as soon as the grounds for deletion are met, and before deleting the pupil's name from the register. It is essential that schools comply with this duty, so that local authorities can, as part of their duty to identify children of compulsory school age who are missing education, follow up with any child who might be in danger of not receiving an education and who might be at risk of abuse or neglect.

All schools must inform the local authority of any pupil who fails to attend school regularly, or has been absent without the school's permission for a continuous period of 10 school days or more, at such intervals as are agreed between the school and the local authority (or in default of such agreement, at intervals determined by the Secretary of State).



## **Appendix A**

### **Dorset Council Children's Services Penalty Notice Protocol**

#### **1. Legal Basis:**

Sections 444A and 444B of the Education Act 1996 empower designated Local Authority (LA) Officers, Head Teachers (& Deputy and Assistant Head teachers authorised by them) and the Police to issue Penalty Notices in cases of unauthorised absence from school. The Education (Penalty Notices) (England) Regulations 2007 require the Local Authority, in consultation with all of the above, to develop a code of conduct which must be followed when issuing Penalty Notices.

The issuing of Penalty Notices must conform with all requirements of the Human Rights Act 1988 and all Equal Opportunities legislation. These provisions apply to all persons who fall within the definition of a 'parent' as set out in section 576 of the Education Act 1996. By virtue of this section 'parent' includes: all natural parents, whether they are married or not; any person or body who has parental responsibility for a child (as defined by the Children Act 1989); any person who, although not a natural parent, has care of a child. Having care of a child means that a person with whom a child

lives and who looks after a child, irrespective of what their relationship is with that child, is considered to be a parent in Education Law.

## **2. Rationale for Issuing Penalty Notices:**

Regular and punctual attendance at school is both a legal requirement and essential for pupils to maximise their educational opportunities.

Children's Services will continue to investigate cases of non-attendance from school and, following appropriate casework, instigate legal action if applicable.

In law, an offence occurs if a parent/carer fails to secure a child's attendance at the school at which they are a registered pupil and that absence is not authorised by the school. Penalty Notices supplement the existing sanctions currently available under section 444 Education Act 1996 or section 36 Children Act 1989 to enforce attendance at school where appropriate.

Children's Services delivers this LA responsibility.

## **3. Circumstances where a Penalty Notice may be used:**

Penalty Notices can only be issued in cases where a pupil of compulsory school age has been absent and the absence has not been authorised by the school or where the pupil has persistently arrived late after the register has closed.

The level of absence that is necessary before a Penalty Notice can be issued is 10 or more half days of unauthorised absence within a 12 school week period.

The key consideration in deciding whether to issue a Penalty Notice will be whether it can be effective in helping to get the pupil who is missing education back into school.

A Penalty Notice is a suitable intervention in circumstances of parentally condoned truancy; where the parent is considered capable of securing their child's regular attendance but is not willing to take responsibility for doing so.

To ensure consistent and fair delivery of Penalty Notices, the following criteria for their use shall apply:-

- No one parent will receive more than three separate Penalty Notices resulting from the unauthorised absence of an individual child in any twelve month period.
- However, where families contain more than one poorly attending pupil, multiple issues may occur.

## **4. Procedure for issuing Penalty Notices:**

Children's Services will issue Penalty Notices for all Dorset Schools. Penalty Notices will only be issued by first class post and never as an on the spot action; this is to satisfy that all evidential requirements are in place and to meet health and safety requirements.

Children's Services will receive requests from schools, Dorset Police and neighbouring Local Authority. Requests from Schools will be sent to the School Attendance Team following discussion with a member of the team. A Penalty Notice may be issued providing it does not conflict with other intervention strategies in place or other enforcement sanctions already being processed. Children's Services will respond to all requests and where all criteria are met, will:

### **In cases of unauthorised absence**

- Issue a formal warning to the parent/carer of the possibility of a Penalty Notice being used.
- In the same letter set a period of 15 school days within which the pupil must have no unauthorised absence.
- Issue a Penalty Notice through the post at the end of the 15 day period if the required level of improvement has not been achieved.

## **Unauthorised Leave during Term time**

In accordance with The Education (Pupil Registration) (England) Regulations 2006, as amended, a Penalty Notice can be issued in certain circumstances, for example where a parent takes a child on holiday during term time without the school authorising the absence. In such circumstances, although a minimum of 10 half day sessions of unauthorised absence will still apply before a Penalty Notice may be issued; the authorised person may issue a Penalty Notice without first issuing a formal warning to the parent as would otherwise be required. However s/he should still be satisfied that the parent was informed beforehand that, in some circumstances e.g. term time holiday, unauthorised absence could lead to a Penalty Notice being issued without further warning.

## **Who can receive a Penalty Notice?**

Any Penalty Notice issued must be addressed to one parent but a Penalty Notice may be issued to each parent liable for the offence or offences.

An authorised person has discretion when deciding whether to issue one or more parents of a child with a Penalty Notice. This is to enable account to be taken of the specific circumstances in individual cases.

## **5. Roles and Responsibilities of the Local Authority**

Local Authorities (LAs) may, in the absence of any other agreement, only issue Penalty Notices in respect of pupils registered at a school in that LA area or, in the case of an unregistered pupil, who resides in their area or for whom that LA has arranged alternative provision. LAs may only issue Penalty Notices in respect of pupils registered at a school in another LA area or, in the case of an unregistered pupil, for which another LA has arranged alternative provision if they have an agreement to that effect with the other LA.

## **6. Procedure for withdrawing Penalty Notices:**

Once issued, a Penalty Notice will only be withdrawn in the following circumstances:

- Proof has been established that the Penalty Notice was issued to the wrong person.
- The use of the Penalty Notice did not conform to the terms of this Protocol.
- The Penalty Notice contains a material error.
- The Local Authority (LA) must withdraw the Penalty Notice if it is not paid in full and the LA has not, and does not intend to, instigate legal proceedings.

## **7. Payment of Penalty Notices:**

- Payment of Penalty Notice discharges the parent/carer liability for the period in question and they cannot subsequently be prosecuted under other enforcement powers for the period covered in the Penalty Notice.
- Payment of a Penalty Notice within 21 days is £60 and payment after this time but within 28 days is £120.

## **8. Non-payment of Penalty Notices:**

- Prosecution is for the offence to which the notice relates rather than for non-payment of the notice.
- In the case of unauthorised absence, if there is a prosecution, it will follow the usual procedure of a prosecution for irregular attendance (including considering an Education Supervision Order as an alternative, or in addition, to prosecution) under the provisions of section 444(1) or 444(1a) The Education Act 1996.

## **9. Penalty Notices and Excluded Pupils**

- Section 103 of the Education and Inspections Act 2006 places a duty on parents in relation to an excluded pupil. A parent has to ensure that their child is not present in a public place during school hours without reasonable justification during the first 5 days of each and every fixed period or permanent exclusion.
- Section 105 allows for a Penalty Notice to be given to a parent guilty of an offence under Section 103. The Penalty Notice allows a parent to pay a penalty as a way of discharging any liability for the offence of failing to ensure that their child is not present in a public place on the days specified in a notice given to them. The parent must have been notified by the school at the time of the exclusion of their duty and the days to which it relates.

## **10. Procedure for Issuing of Penalty Notices in Cases of Exclusion**

- When a child is excluded from school – either for a fixed period or permanently – and the child is found in a public place during normal school hours on a specified day of exclusion Issue a Penalty Notice.
- In order for the parent to incur either form of legal responsibility the school must give them notice informing them of the duty to ensure their child is not found in a public place, the days when this duty will apply and, as appropriate, of the arrangements for alternative provision.
- If the child has been provided with alternative provision and is not attending this provision then the parent will be liable under the unauthorised absence regulations.

## **11. Non-Payment of Penalty Notices – Exclusions**

- In the case of a prosecution of a parent who has failed to ensure their child is not found in a public place during a specified day of exclusion, the procedures, such as preparing and serving a summons, will be similar to those for unauthorised absence.

## **Penalty Notices – A Guide for Schools**

Penalty Notices were introduced as a quicker route to prosecution of parents when a pupil has unauthorised absence. They can be used in two ways.

### **Unauthorised Absence**

1. If a pupil has 10 or more unauthorised absences (half day sessions) within a 12 school week period then a Penalty Notice can be considered.
2. A school can request a Penalty Notice by completing the attached form and sending it to the School Attendance Team. Please include a record of the pupil's attendance.
3. The School Attendance Team will send a warning letter to the parent(s) stating that the pupil must have no unauthorised absence in the next 15 school days. If there is any unauthorised absence, a Penalty Notice will be issued. (Please note: In some cases if the warning letter has effected a major improvement in the pupil's attendance, we may consider issuing an additional 15 school day warning letter to see if the improvement can be maintained. We will discuss this with the school before issuing the second warning letter.)

### **Holidays in Term Time**

A Penalty Notice can be issued when a parent takes a child on holiday during term time without the school authorising the absence.

1. A minimum of 10 half day sessions of unauthorised absence will still apply before the Penalty Notice can be issued, however a warning letter will not be sent.
  2. If there is a longer unauthorised holiday period or 10 unauthorised holiday absences and additional unauthorised absences on the pupil's record then a Penalty Notice will be issued.
- . A school can request a Penalty Notice for unauthorised holiday absence on the attached form.

A Penalty Notice must be addressed to one parent but may be issued to each parent liable for the offence.

## **Holidays in Term Time Guidance for Schools and Governors**

### **Requests for approved leave of absence**

#### **Amendments to the Pupil Registration (England) 2006 Regulations state that:**

*"Head teachers may not grant any approved leave of absence during term time unless there are exceptional circumstances. Head teachers should determine the number of school days a child can be away from school if the leave is granted".* Before any request for leave of absence is approved, a Head teacher must be satisfied that there are *"exceptional circumstances"* justifying the request for leave of absence.

#### **Defining exceptional circumstances**

Many Head teachers and school pyramids wish to define for their parents/carers what would constitute an exceptional circumstance, so that schools can be consistent in their response to any leave of absence requests received.

However, the Department for Education has not defined exceptional circumstances, except to explain that: *"Schools should consider each request individually taking into account the circumstances, such as: the nature of the event for which leave is sought; the frequency of the request; whether the parent/carer gave advance notice; and the pupil's attainment, attendance and ability to catch up on missed schooling"*. Guidance from the NAHT defines exceptional as rare, significant and unavoidable.

In relation to the practice of developing cluster or local school partnership letters (a blanket policy), schools need to ensure they remain lawful - in that head teachers have a discretionary power, and should consider each individual leave of absence request based on the circumstances of that family and the impact that absence will have on the child. Schools should not issue blanket policies where they state that they will only approve requests for leave of absence up to a certain duration, or where a pupil has a certain percentage attendance. Similarly, a refusal to authorise any leave of absence requests, or to automatically refuse certain categories of request, could be unlawful.

#### **Dorset Council advises that:**

- where schools do operate a cluster or partnership response to requests for absence it remains acceptable and lawful to communicate with parents/carers examples of what you all would consider to be exceptional circumstances, as long as it is very clear that these are examples and every request will be considered individually
- the nature of the words *exceptional circumstances* are such that they indicate unusual events or an abnormal occurrence. It is therefore not possible to define in advance when a request will or will not be exceptional.

## **How do I decide if it is exceptional, whether to authorise and how many days?**

Although the decision is the Head teacher's, to support your decision-making we would ask you to consider the following:-

Could this request for leave take place during the normal school holidays? If the answer is yes then it is not an exceptional circumstance. The Department for Education is clear that there is no parental/carer right for a family holiday and that cost, experiences for the child or overlapping with school holidays are not factors on which the decision should be made.

### **Dorset Council's current advice is as follows:**

If it is an exceptional circumstance you still have to decide whether to approve the absence or not. This decision should be made by considering primarily the pupil's attainment, attendance and ability to catch up on missed schooling; followed by the frequency of the requests; the nature of the event for which leave is sought and whether the parent/carer gave advance notice. You do not have to approve leave of absence even if the reason given is exceptional.

Schools and head teachers should ensure that they are not discriminatory in their decision to approve leave in exceptional circumstances for Gypsy, Roma and Traveller children who may request this in addition to the extended leave covered by the *T* code. (If schools are using the *T* code correctly this would only be used for the time when a child is absent from school as the family are travelling for employment.) The decision to approve the leave should be made without consideration for leave taken for employment, but schools should take into account the child's overall attendance rate, which may include other absences.

If you do approve leave of absence you need to make it clear the days you are authorising and from what time that approval takes place. For example, you may approve the absence for the immediate family wedding that takes place on the Wednesday, but may feel that due to the location of the wedding the child does not need to be absent for the entire week or for the two whole days of travel either side of the event.

### **Authorised approved leave of absence**

Dorset Council anticipates that it will be extremely rare for leave of absence for a holiday in term time to be authorised. Where it is approved the school should use the appropriate authorised absence code. If leave is not approved the absence should be coded as a **G**.

If a parent/ carer takes a child on holiday during term time without obtaining the head teacher's consent beforehand, the pupil's absence must be recorded as unauthorised **G**. The parent/ carer is then committing an offence and may be issued with a penalty notice or prosecuted under the Education Act 1996, Section 444(1).

Authorised officers have the discretion to issue a penalty notice without warning where the parent/ carer has chosen to take the child on leave during term time without authorisation.

### **Relevant legislation and guidance**

The Education (Pupil Registration) (England) Regulations 2006.

Education (Pupil Registration) (England) (Amendment) Regulations 2013, which came into force on 1 September 2013.

## **Appendix B - Absence and Attendance Codes – September 2020**

### ***Present***

Registration Code / \: Present in school / = am \ = pm

Code L: Late (before registers closed)

### ***Approved Educational Activity***

Code B: Educated off site (NOT Dual registration)

Code D: Dual Registered - at another educational establishment

Code J: Interview

Code P: Approved sporting activity

Code V: Educational visit or trip

Code W: Work experience

### ***Authorised Absence***

Code C: Other authorised circumstances (not covered by another appropriate code/description)

Code E: Excluded (No alternative provision made)

Code H: Family Holiday (Agreed)

Code I: Illness (NOT medical or dental etc. appointments)

Code M: Medical/Dental Appointments

Code R: Religious observance

Code S: Study leave

Code T: Traveller absence

### ***Unauthorised Absence***

Code G: Family Holiday (NOT agreed or days in excess of agreement)

Code N: No reason yet provided for absence

Code O: Unauthorised Absence (not covered by another other code/description)

Code U: Late (after registration closed)

### ***Administrative Codes***

Code X: Untimetabled sessions for non-compulsory school age pupils

Code Y: Forced and Partial Closure

Code Z: Pupil not on roll

Code #: School closed to pupils

## Appendix C - Children Missing in Education





