



Attendance Policy

Review Date: February 2025

Next review Date: February 2026

Adopted by the Governing Body on: 24th March 2025


Please read this policy alongside our school Child Protection and Safeguarding Policy, Behaviour Policy, Child on Child Abuse Policy, Online Safety Policy, Complaints Policy and other relevant policies.

This policy has been updated in line with the new DfE guidance 'Working together to improve school attendance' published in August 2024.

Review

The governing body reviews this policy annually. The governors may, however, review the policy earlier than this, if the government introduces new regulations, or if the governing body receives recommendations on how the policy might be improved.

VERIFICATION CERTIFICATE

Document Title:	Attendance Policy
Issue:	3
Reviewer:	Ceri Baggus
Position:	Attendance Officer
Signature:	
Date:	4.2.25
Approver:	Nicolas Dowler
(on behalf of the Governing Body)	
Position:	Chair
Signature	<i>N. Dowler</i>
Date:	24/03/2025

DOCUMENT ISSUE/AMENDMENT HISTORY

Issue	Date	Amendment
1	23 August 2022	Policy adopted from GCC model policy.
2	23 September 2024	Policy adopted from GCC model policy updated as appropriate. Any changes are highlighted in red.
3	4 th February 2025	Policy uses GCC skeleton policy – whole policy is newly written using this skeleton policy.

Aims and objectives

At Cirencester Primary School, we believe that improving attendance is everyone's business and that providing a calm, orderly, safe and supportive environment where all pupils want to be and are keen and ready to learn is the foundation of securing good attendance. Working together to put the right support in place at the right time, in conjunction with all staff in school, parents/carers, pupils, Gloucestershire County Council and other local partners, we aim to remove any barriers to attendance by building strong and trusting relationships.

Regular attendance is fundamental to the future success of children. **We expect pupils to be in school for every session of the school day and for every day that the school is open.**

Our objectives are to promote good attendance, ensuring every pupil has access to the full-time education to which they are entitled. By acting early to address patterns of absence we aim to reduce absence, including persistent and severe absence.

Legislation and guidance

This policy meets the requirements of the [working together to improve school attendance](#) from the Department for Education (DfE), and refers to the DfE's statutory guidance on school attendance parental responsibility measures. These documents are drawn from the following legislation setting out the legal powers and duties that govern school attendance:

- Part 6 of [The Education Act 1996](#)
- Part 3 of [The Education Act 2002](#)
- Part 7 of [The Education and Inspections Act 2006](#)
- [The Education \(Pupil Registration\) \(England\) Regulations 2006 \(and 2010, 2011, 2013, 2016 amendments\)](#)
- [School Attendance \(Pupil Registration\) \(England\) Regulations 2024](#)
- [The Education \(Penalty Notices\) \(England\) Regulations 2007, as amended](#)
- [The Anti-Social Behaviour Act 2003](#)
- [The Education \(Information about Individual Pupils\) \(England\) \(Amendment\) Regulations 2024](#)

This policy also refers to the DfE's guidance on the school census, which explains the persistent absence threshold.

Roles and responsibilities

Parents/carers are expected to:

- Make sure their child attends every day on time
- Call the school to report their child's absence before 9am on the day of the absence and each subsequent day of absence, and advise when they are expected to return
- Provide the school with more than one emergency contact number for their child
- Ensure that, where possible, appointments for their child are made outside of the school day
- Proactively engage with support offered informally or formally to help your child overcome any barriers to attendance

Pupils are expected to:

- Attend school every day on time

The governing body are expected to:

- Recognise the importance of school attendance and promote it across the school's ethos and policies
- Ensure school leaders fulfil expectations and statutory duties
- Regularly review attendance data, discussing and challenging trends, and helping school leaders focus efforts on the individual pupils or cohorts who need it most
- Ensure school staff receive adequate training on attendance
- Hold the headteacher to account for the implementation of this policy
- Have a link governor for attendance, who will meet regularly with the school attendance champion to review attendance data as described above. Our link governor for attendance is Nic Dowler.

The headteacher is responsible for:

- Implementation of this policy at the school
- Monitoring school-level absence data and reporting it to governors
- Supporting staff with monitoring the attendance of individual pupils
- Monitoring the impact of any implemented attendance strategies
- Requesting the issue of fixed-penalty notices, where necessary

The Senior Attendance Champion (senior leader) Ceri Baggus, is responsible for:

- Championing and improving attendance across the school
- Setting a clear vision for improving and maintaining good attendance
- Establishing and maintain effective systems for tackling absence and make sure they are followed by all staff
- Having a strong grasp of absence data to focus the collective efforts of the school
- Regularly monitoring and evaluating progress, including the efficacy of the school's strategies and processes
- Communicating messages to pupils and parents
- Delivering targeted intervention and support to pupils and families
- Where there is a lack of engagement, holding more formal conversations with parents and raising the issue of the potential need for legal intervention.
- Monitoring and analysing attendance data
- Benchmarking attendance data to identify areas of focus for improvement
- Working with school staff e.g., family support worker/SENDCo to tackle persistent absence
- Advising the headteacher when to issue fixed-penalty notices

School administration/office staff are responsible for:

- Taking calls from parents about absence on a day-to-day basis and recording it on the school system
- Transfer calls from parents to the appropriate member of staff to provide them with more detailed support on attendance
- Keeping accurate and up to date records of calls and communication with parents

The class teacher/form tutor is responsible for:

- Recording attendance daily, using the correct codes and submitting the information to the school office by 9am for the morning session and 1.10pm for the afternoon session.

School processes for recording attendance and absence

We will keep an electronic attendance register and place all pupils onto this register. We will take our attendance register at the start of each morning session of the school day and once during each afternoon session. It will mark whether every pupil is:

- Present
- Absent
- Any amendment to the attendance register will include:
 - The original entry
 - The amended entry
 - The reason for the amendment
 - The date on which the amendment was made
 - The name and position of the person who made the amendment

We will also record:

- Whether the absence is authorised or not by using the appropriate national attendance and absence codes from regulation 10 of the School Attendance (Pupil Registration) (England) Regulations 2024
- The nature of the activity if a pupil is attending an approved educational activity
- The nature of circumstances where a pupil is unable to attend due to exceptional circumstances

We will keep every entry on the attendance register for 6 years after the date on which the entry was made.

Pupils must arrive in school by 8.50am on each school day when entrances are closed. The school entrances are open from 8.35am each day.

The register for the morning session will be taken at 8.50am and will be kept open until 9.00am. The register for the afternoon session will be taken at 1.00pm and will be kept open until 1.10pm.

A pupil who arrives late:

- Before the register has closed will be marked as late (Code L)
- After the register has closed will be marked as absent (Code U)

Where a pupil is regularly late to school, we will work with the family to investigate the reasons for the lateness and support them where possible. If this lateness continues, particularly lateness after the register has closed, we will issue a warning letter and any further lateness could result in school requesting to issue a Notice to Improve and/ or Penalty notice under the GCC/National Penalty Notice Code of Conduct). Please see 'Legal Sanctions' section for more information.

Absence

Valid reasons for **authorised absence** include:

- Participating in a regulated performance or undertaking regulated employment abroad (Code C1)
- Attending a medical or dental appointment (Code M)
- Attending an interview for employment or for admission to another educational institution (Code J1)
- Studying for a public examination (Code S)
- Non-compulsory school age pupil not required to attend school (Code X)
- Compulsory school age pupil subject to a part-time timetable (Code C2)
- Exceptional circumstances (see definition above) (Code C)
- Parent travelling for occupational purposes – The pupil is a mobile child, and their parent(s) is travelling in the course of their trade or business and the pupil is travelling with them. A mobile child is a child of compulsory school age who has no fixed abode and whose parent(s) is engaged in a trade or business of such a nature as to required them to travel from place to place (Code T)

- Religious observance – where the day is exclusively set apart for religious observance by the religious body to which the pupil's parents belong. If necessary, the school will seek advice from the parents' religious body to confirm whether the day is set apart (Code R)
- Illness (Code I)

Illness: We will mark absence due to illness as authorised unless the school has a genuine concern about the authenticity of the illness.

If the authenticity of the illness is in doubt, the school may ask the pupil's parent/carer to provide medical evidence, such as a doctor's note, prescription, appointment card or other appropriate form of evidence. We will not ask for medical evidence unnecessarily. If the school is not satisfied about the authenticity of the illness, the absence will be recorded as unauthorised and parents/carers will be notified of this.

Reporting absence

The pupil's parent/carer must notify the school of the reason for an unplanned absence on the first day by 9am or as soon as practically possible by calling the school on 01285 658500 or emailing receptionist@cirencester-pri.gloucs.sch.uk

If a pupil is absent from school and a reason has not been given by the parent/carer by 09:00 the process below is followed. Due to the findings from serious safeguarding case reviews, unexplained absences are likely to result in a welfare check to the pupil's home by the school and potentially even the police.

Office staff to attempt calling the parent/carer by 9.30am



If there is no answer office staff will attempt to call all other contacts listed for pupil



If school staff are unable to contact parents/carers by 10.30am a member of school staff may visit the pupil's home to carry out a welfare check.



If the whereabouts of the child has not been determined after a home visit, then school will contact the local police station on 01452 907200 and highlight any existing safeguarding concerns. Police may then complete a 'safe and well check' for the child.

Procedures following unexplained absence

- After following the process above, if the parents/carers are reached, we will then identify whether the absence is approved or not and input the correct attendance code it as soon as the reason for absence is ascertained – this will be no later than 5 working days after the session
- Call the parent/carer on each day that the absence continues without explanation to ensure proper safeguarding action is taken where necessary. If absence continues, the school will contact any other agencies involved with the family and report the absence to the local authority.

Medical appointments

Please make appointments outside of school hours for all non-urgent medical appointments. However, if this is not possible please telephone or send a note into school in advance of the appointment, stating the appointment time and what time we should expect your child to return to school. Pupils will need to be absent from school for as little time as possible; being collected from school as late as possible to attend their appointment and returning to school immediately afterwards.

If a pupil is absent from school for a full day due to a medical appointment e.g. at hospital, then school may ask to see a copy of the appointment letter for clarification.

Other planned absences in term time

The headteacher will only grant a leave of absence to a pupil during term time if they consider there to be 'exceptional circumstances'. A leave of absence is granted at the headteacher's discretion, including the length of time the pupil is authorised to be absent for. The school considers each application for term-time absence individually, considering the specific facts, circumstances and relevant context behind the request.

If the parent/carer wishes to apply for permission from the Head Teacher, a leave of absence form must be completed well in advance of the proposed dates (these can be collected from the school office or are accessible here <https://www.cirencesterprimaryschool.co.uk/attendance/>) The headteacher may require evidence to support any request for leave of absence. If the school does not agree an absence and the pupil does not attend school during dates requested, the absence will be unauthorised. If the parent/carer keeps a child away for longer than was agreed, any extra time is recorded as unauthorised. Penalty notices are likely to be issued in these instances (see the section below).

Exceptional circumstances include:

- For service personnel and other parents/carers who are prevented from taking holidays outside term time by their employers;
- When a family needs to spend time together to support each other during or after a crisis.

Holidays requested for, amongst other things, the following reasons **will not** be authorised: Please note that this list is not exhaustive:

- The availability of cheap holidays
- The availability of the desired accommodation
- Poor weather experienced during school holiday periods
- An overlap with the beginning or end of term

In addition, holidays will not be authorised during examination times.

Legal sanctions

The school must consider requesting Gloucestershire County Council issue a fine to parents for the unauthorised absence of their child from school, where the child is of compulsory school age and the national threshold has been met. Notices to Improve and Fixed Penalty Notices are issued in accordance with the Local Authority Penalty Notice Code of Conduct [Attendance - Schoolsnet \(gloucestershire.gov.uk\)](https://www.attendance-schoolsnet.gov.uk)

If issued with a fine or penalty notice each parent must pay £80 (per child) if paid within 21 days rising to £160 thereafter. If not paid within 28 days, the Local Authority can decide whether to prosecute or withdraw the notice – note there is no right of appeal in court by parents against a fixed penalty notice. The national framework for penalty notices sets out that a maximum of 2 penalty notices per child, per parent can be issued within a rolling 3-year period (the second one being payable at £160 with no option to reduce fine by making payment earlier). If the national threshold is met for a third (or subsequent) time within 3 years, the Local Authority will consider prosecution through the magistrates' court under Section 444(1) of the Education Act 1996.

In Education Law (Section 576 of the Education Act 1996) 'parent' means:

All natural parents, whether they are married or not

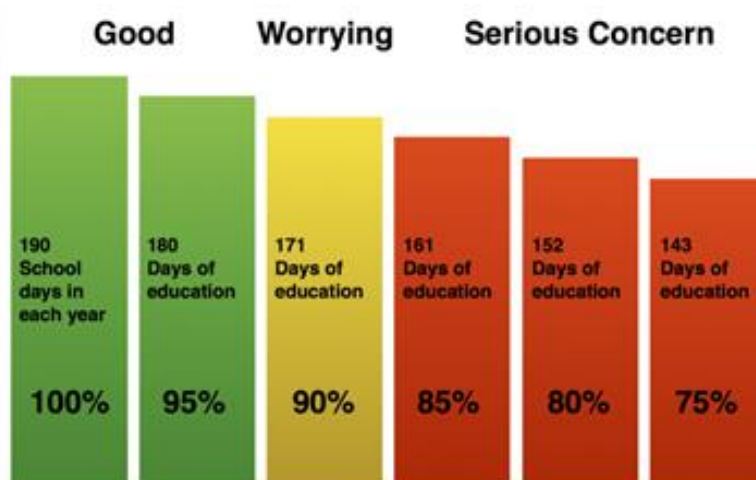
Any person who has parental responsibility for a child or pupil

Any person who has care of a child or pupil i.e. lives with and looks after the child

Please see the leaflets at the end of this policy or the link above for more information on penalty notices and notices to improve.

Strategies for promoting attendance

Our aspirational school attendance target is 100% for every pupil - pupils are expected to attend everyday school is open. Pupils' attendance is regularly monitored by the school and parents are informed of their child's attendance percentage with their written school reports. Regular advice is given to parents on the importance of their child's attendance at school and good attendance is celebrated in school. We use the following chart to show parents how good their child's attendance is.



The 'Working Together to Improve School Attendance' guidance, released in August 2024, emphasises a 'Support First' ethos, and recognises that *'the barriers to accessing education are wide and complex, both within and beyond the school gates, and are often specific to individual pupils and families... [It] is essential for pupils to get the most out of their school experience, including their attainment, wellbeing, and wider life chances.'*

If you are concerned about your child's attendance, then please contact Mrs C Baggus ceribaggus@cirencester-pri.gloucs.sch.uk (Attendance Champion) or Mrs C Walsh cwalsh@cirencester-pri.gloucs.sch.uk (Family Support Worker) as soon as possible so that barriers to attendance can be understood, and appropriate support can be put in place to support you, your family, and your child to prevent further absences.

Pupils whose attendance is below 90% are classed as a 'Persistent Absentees' and Gloucestershire County Council are aware of who these pupils are. The school Attendance Champion will contact parents of children whose attendance falls below this percentage, or pupils whose punctuality is a concern, to offer support to raise the attendance of the pupil involved. This will sometimes involve a meeting in school, involving the pupil where appropriate, to create a written plan to improve attendance. This regular communication between staff and parents has had a positive impact over recent years in reducing the numbers of persistent absentees in the school.

If the pupil's attendance does not improve to a satisfactory level after this support is offered a more formal process will begin due to the risk of prosecution for poor attendance. A formal Attendance Improvement Meeting (AIM) will be held with the focus on improving attendance to avoid legal proceedings being initiated.

Reducing persistent and severe absence

Persistent absence is where a pupil misses 10% or more of school, and severe absence is where a pupil misses 50% or more of school.

The school will:

- Inform parents through a letter if their child has fallen into the category of a persistent or severe absentee and arrange a meeting where appropriate.
- Use attendance data to find patterns and trends of persistent and severe absence

- Hold regular meetings with the parents of pupils who the school (and/or local authority) considers to be vulnerable, or are persistently or severely absent, to discuss attendance and engagement at school
- Provide access to wider support services to remove the barriers to attendance
- Formalise support or use legal sanctions, in conjunction with Gloucestershire County Council, for example through using a parenting contract, engagement with social services, requesting a Notice to Improve from the local authority, an Education Supervision Order or consideration of attendance prosecution in the Magistrates Court

Attendance data monitoring, reporting and analysing

The school will:

- Inform parents of their child's attendance levels through reports, teacher-parent meetings and letters if pupil falls below 90%
- Monitor attendance and absence data across the school and at an individual pupil level (half termly for all pupils and more regularly for pupils of concern)
- Identify whether there are particular groups of children whose absences may be a cause for concern
- Analyse attendance and absence data regularly to identify pupils or cohorts that need additional support with their attendance, and use this analysis to provide targeted support to these pupils and their families
- Look at historic and emerging patterns of attendance and absence, and then develop strategies to address these patterns
- Provide regular attendance reports to class teachers and other school leaders to facilitate discussions with pupils and families
- Use data to monitor and evaluate the impact of any interventions put in place in order to modify them and inform future strategies

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

Reporting arrangements

Home Education - The school must inform the local authority if a parent wishes to remove their child from school to home educate them.

10-day absence - The school must inform the local authority if a pupil is absent from school without the school's permission for a period of 10 or more consecutive days. This includes unauthorised holidays of this duration or longer.

Part time timetables – On the rare occasion of a pupil being placed on a part-time timetable the local authority must be informed of this and the reason for it.

Children missing from Education (CME) – If a pupil leaves Cirencester Primary School and we are unaware of the school which they are transferring to then the local authority will be informed that this pupil is missing from education. The local authority will then seek an appropriate school place for this pupil.

Persistent absentees – The local authority are aware of any pupils who are persistent absentees from school and a representative from the Education, Entitlement and Inclusion team at Gloucestershire County Council will be invited to attend any Attendance Improvement Meetings as described in the previous section.

Appendix 1 – GCC ‘School Attendance’ leaflet for parents

What happens if the legal process goes to Court?

- Parents can be fined up to £2,500 or imprisoned for failing to ensure that their child attends school regularly.
- Magistrates can impose a Parenting Order, which means that parents must attend a counselling and guidance program, usually a parenting class.

When is absence authorised?

There may be occasions where absences are authorised by the school. If you are concerned about your child, contact the school in the first instance and arrange a meeting to discuss the needs of your child.

If your child is unwell, you should notify the school immediately and follow the school's absence procedures.

Wherever possible, you should make routine appointments e.g., dental check-ups during the school holidays or after school hours. Schools have the right to request medical evidence to validate absences for medical reasons.

If you feel you must take your child out of school, discuss the reasons with the school and refer to the school's attendance policy for guidance. Absences will only be authorised by the school in exceptional circumstances. The decision on whether to authorise absence is made at the headteacher's discretion.

For more information, please contact the
Education Inclusion Service:
Telephone: 01452 427274
Email: attendance@gloucestershire.gov.uk
Website: www.gloucestershire.gov.uk/education-and-learning



School Attendance



Information for Parents and Carers

Updated August 2024



Why is good attendance important?

Good school attendance is vital for children's success in the future. Being in school every day that it is open is important to your child's achievement, wellbeing, and their wider development. Time in school also keeps children safe and provides access to extra-curricular opportunities and pastoral care.

If children do not attend school regularly, they may:

- struggle to keep up with schoolwork
- have few opportunities to catch up on missed learning
- miss out on the social side of school life
- miss opportunities to make and keep friendships

What might the impact of poor attendance be on your child?

Research shows children who are not regularly attending school are:

- more likely to become involved in or be a victim of crime and antisocial behaviour
- more likely to fall behind due to the strong link between attendance and achieving good results
- less likely to achieve 5 good GCSE's (grades 9-5) compared with those with fewer than eight days' absence
- more likely to have increased levels of anxiety due to inconsistencies and uncertainty in their routine
- more likely to have reduced self-esteem due to finding learning increasingly hard having missed out on important information.

What does the law say?

By law, all children of compulsory school age (between 5 and 16) must get a suitable, full-time education. As a parent, you are responsible for making sure this happens, either by registering your child at a school or by making other arrangements which provide a suitable full-time education.

Once your child is registered at a school, you are responsible for making sure they attend regularly.

What happens if your child does not attend school regularly?

If your child fails to attend school regularly or if they miss school without you knowing, the Local Authority (LA) may take legal action against you.

School will notify you if your child's attendance level is a concern and work with you and your child to improve it. They may meet with you to agree an Attendance Contract. If attendance continues to require improvement, then the school will look to initiate an Attendance Improvement Meeting (AIM).

The AIM is the beginning of the legal process. It is important that you engage with the process and work with the support provided to meet the agreed targets. These targets will be reviewed, and progress evaluated at a review meeting. If satisfactory progress is made, then targets will be considered met or adjusted until attendance is satisfactory. If progress is not made, then you may be referred to the LA for legal intervention.

You risk being issued with a Notice to Improve, Penalty Notice or being prosecuted in court.

Appendix 2 – GCC ‘Notices to Improve and Penalty Notices’ leaflet for parents

What is the cost of the fine?

For the first offence within a rolling three-year period, the Penalty Notice allows you 21 days to pay an £80 fine. If you pay after the 21-day period, but within 28 days, the fine to pay is £160. If the fine remains unpaid at this stage, the LA will usually initiate legal proceedings against you.

For a second offence within a rolling three-year period, there is no opportunity to pay the fine at the lower amount. Instead, the fine will be at £180. If there is a request for a third penalty notice, prosecution will be considered if two penalty notices have been served in any rolling three-year period.

What happens if I do not pay the fine?

You will have 28 days to pay the Penalty Notice in full. If you fail to pay the fine in this timeframe, the LA will usually initiate legal proceedings against you for failing to secure regular attendance for your child registered at a school. If you are convicted of this offence, there are several possible sentences, including a fine of up to £1,000.

Is there an appeal process?

There is no right of appeal. Once a Penalty Notice has been issued, it can only be withdrawn if it can be shown that it was issued in error.

What happens if the Penalty Notice is paid, but my child still misses school?

Parents/carers are not liable for prosecution for their child's school attendance for the period in question once the Penalty Notice is paid. However, prosecution may be considered for further periods of absence not covered by the notice.

For more information, please contact the
Education Inclusion Service:
Telephone: 01452 427274
Email: attendance@gloucestershire.gov.uk

Penalty Notices and the Education Act 1996

Section 444 of the Education Act 1996 gives powers to the Local Authority (LA) to issue Penalty Notices when a parent or carer is considered capable of but has failed to secure their child's regular school attendance and/or punctuality.

Why are Penalty Notices used?

Missing school can impact on children's academic attainment, disrupt school routines, and affect the continuity of their learning. Missing school can seriously affect a child's longer-term life opportunities and their ability to reach their full potential.

If your child fails to attend school regularly and punctually, and the absence is recorded as unauthorised, you are guilty of a criminal offence under section 444 of the Education Act 1996.

What is a Penalty Notice?

A Penalty Notice is a fixed fine which may be issued as an alternative to prosecution. If it is paid, it does not require a court appearance and does not result in a criminal record. Payment of a Penalty Notice means you avoid the potential danger of prosecution and subsequent conviction.

What is a Notice to Improve

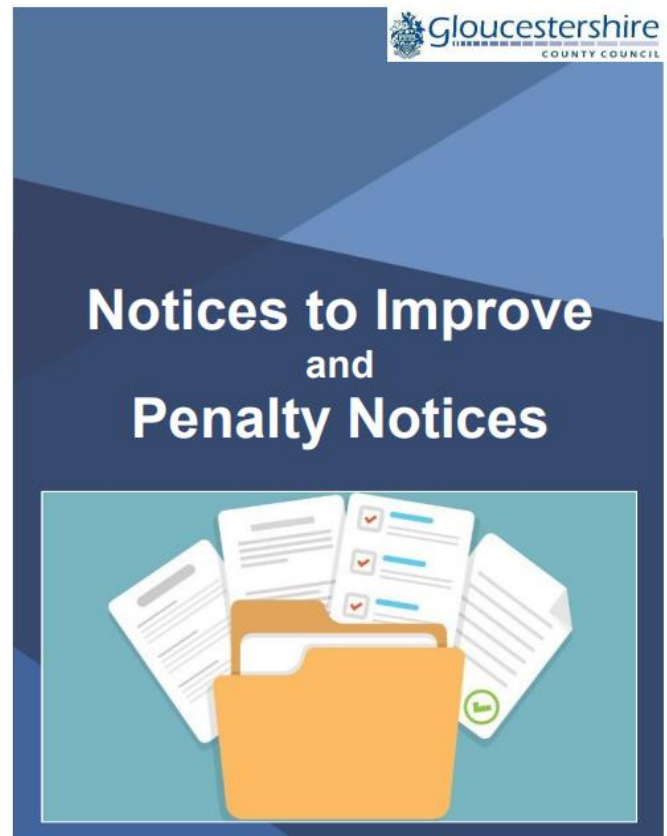
You may receive a Notice to Improve notification in your email from the Local Authority (LA) when your child's absence has been marked as unauthorised for 10 sessions within 10 weeks. The sessions do not need to be consecutive. The weeks may be in different terms.

The Notice to Improve will set out the school's expectations with regards to your child's attendance during the notification period.

When might a Penalty Notice be issued?

You may face a Penalty Notice for the following reasons:

- If your child is absent from school, without authorisation from the Headteacher, for the purposes of a holiday.



Information for Parents and Carers

Updated August 2024

For a holiday taken in term time, there is no requirement for a school to issue a Notice to Improve notification or warning notice.

- If your child is persistently late for school, after the register has closed and does not have authorisation from the headteacher.
- If your child is absent from school and the school has been unable to find out the reason for the absence.
- If your child is absent from the school and there are no exceptional circumstances for the absence for the Headteacher to authorise the absence, in line with the school's policy.
- If your child, following an exclusion, is found in a public place, without a justifiable reason for being there, during school hours on a school day during the first five days of a fixed term exclusion or a permanent exclusion. The school will have sent you a letter at the time of the exclusion detailing your responsibilities during this period. **For this penalty notice, the cost will be £60 for the 21 days after it is issued. If you pay after the 21-day period, but within 28 days, the fine to pay is £120.**

How is a Penalty Notice issued?

Penalty Notices are issued by the LA at the request of the school. Fines are usually issued to **each parent for each child**.

A parent is defined in Education Law as:

- All natural parents, whether married or not
- Any person who, although not a natural parent, has parental responsibility for a child or young person
- Any person who, although not a natural parent, has care of a child or young person

The fact that you do not live with the child is not a defence against securing their attendance at school.

You will receive the Penalty Notice by post to your home address with instructions on how to pay.

Appendix 3 – GCC ‘Prosecution for non-attendance’ leaflet for parents

Burden of proof

It is for the **parents to prove** that one or more of these defences apply. It is not a defence to say that you did not know that your child was absent from school or that there were other reasons for them not attending school e.g., that they were being bullied at the time.

Sentencing

If you have been convicted of the offence for which you have been summonsed, the magistrates have the power to impose penalties as follows:

- A fine of up to £1,000
- A fine of up to £2,500 and/or imprisonment for a term not exceeding three months

Costs may also be awarded against you.

Fines and costs are collected by the court bailiff.

Advice

The officer dealing with your case has specialist knowledge and experience in the courts. If you require legal advice, lists of solicitors are available at the Citizens Advice Bureau. Visit www.citizensadvice.org.uk for further guidance.

Parents are strongly advised to seek legal help at the earliest opportunity. This may reduce delay and expense in your case.

For more information, please contact the

Education Inclusion Service:

Telephone: 01452 427274

Email: attendance@gloucestershire.gov.uk

Website: www.gloucestershire.gov.uk/education-and-learning



Prosecution for Non-Attendance at School



Information for Parents and Carers

Updated August 2024



The Law

The Education Act 1996 (Section 444) states:

'If a child of compulsory school age who is a registered pupil at a school fails to attend regularly at the school, his parent is guilty of an offence.'

The offence is called a 'strict liability' offence. This means that if you are the parent of the child, and that child is on roll at a school and they have not attended regularly, then the court must find you guilty of the offence, unless you have a defence.

A parent is defined in Education Law as:

- All natural parents, whether married or not
- Any person who, although not a natural parent, has parental responsibility for a child or young person
- Any person who, although not a natural parent, has care of a child or young person

The fact that you do not live with the child is not a defence against securing their attendance at school.

The Defences

For any case brought before the magistrates under section 444, there are only the following defences:

- **The child had a leave of absence**
Your child had the Headteacher's permission to be absent. You could prove this by producing a letter from the Headteacher.
- **The child was too ill to attend school**

Sickness means that your child was not fit for school on the dates listed on your summons. You could prove this by producing a medical certificate or letter from your child's doctor or consultant.

- **The child was unavoidably absent**
There were exceptional circumstances preventing your child from attending school during all the dates listed on the summons. This may be difficult to prove.
- **The child was absent for any day exclusively set apart for religious observance by the religious body to which his parent belongs**
Your child was absent because of your religious observance – not your child's. You could prove this with a letter from your minister of religion. It is unlikely that this defence would apply to all the dates on your summons.
- **The school is not within 'walking distance' of the child's home, and no suitable alternative arrangements have been made by the Local Authority (LA)**
For a child under 8 years old, this distance is 2 miles; for a child 8 years old and over, this distance is 3 miles. If this is the case, and the LA has failed to provide alternative arrangements, you could prove this with copies of your correspondence with the LA. You should seek legal advice if you plan to use this as a defence.
- **The child has no fixed abode, and the parent can prove that they were travelling for the purposes of obtaining work**
This means that you are a Traveller, and on the dates listed on your summons, you were travelling to seek work or were working. You could prove this with a witness who could explain to the court that this was what you were doing.



Request for Leave during Term Time

TO BE COMPLETED BY THE PARENT(S)/CARER(S)

A Request for Leave during Term Time form must be completed and returned to the School Office if you intend to take child(ren) out of school during term time. This should be completed prior to any absence.



Pupil	
Name	
Date of Birth	
Year	
Class/Form	
First date of absence	
Last date of absence	

Parents – Parent means: <u>all</u> relevant parents, whether they are married or not; any person who has parental responsibility for a child or young person; any person who has care of a child or young person i.e., lives with and looks after the child.			
Name		Name	
Address		Address	
Telephone number		Telephone number	
Email		Email	
Accompanying child during the leave of absence	Yes / No	Accompanying child during the leave of absence	Yes / No
Signature		Signature	
Printed name		Printed name	
Date		Date	

To establish if your reasons for the above absence are for exceptional circumstances, please give as much detail as possible (including your destination). The decision will be based on the information you provide on this form (please continue with additional information on a separate sheet if required). Our records will reflect that you will still proceed with this absence on an unauthorised basis, however, should you decide not to take your child out of school at this time, please let us know as soon as possible.

Reasons for request:

Information for parents/carers

- 'Improving attendance is everyone's business', and it is important that we, as your child's school, work together in partnership with you, your family, your child, and the wider community.
- Any holiday-related absence taken that includes 10 sessions in 10 weeks, may result in a Penalty Notice.
- The penalty amount is increasing to £160 from September 2024 (reduced to £80 if paid within 21 days for the first offence). If a parent receives a second penalty notice within a rolling three-year period (following 1st September 2024) the fine is £160 and there is no option to pay the fine at a reduced rate.
- Parents with parental responsibility, and adults residing with the child, including for example, stepparents who have day-to-day responsibility for the child, may be fined, and this applies to each child who is absent.
- If a Penalty Notice is not paid within the time limits set out in the letter to the parent, the Local Authority may proceed the case to court.
- Nationally, Headteachers are: not permitted to approve term-time holidays except in genuinely exceptional circumstances, and are to consider each application for a leave of absence individually before making our decision.
- The law clearly expects Headteachers to enforce these penalties strictly.
- Parents/carers **do not** have the right to take children out of school for a holiday during term time. Any requests are considered on an individual basis following guidelines issued by the DfE and LA.
- Holiday absences will not be authorised if they are not considered to meet exceptional circumstances.
- If a pupil goes on holiday without permission, the absence will be classed as unauthorised. Absence will also be unauthorised if a child does not return to school on the agreed date. Unauthorised absence could result in referral to the LA to begin legal proceedings.



Request for Leave during Term Time

TO BE COMPLETED BY THE HEADTEACHER

Pupil Name	
Date of Birth	
First date of absence	
Last date of absence	

<input style="width: 30px; height: 30px;" type="checkbox"/>	Leave of absence authorised for the dates specified above. Please ensure your child returns to school promptly following the absence, as failure to do so may result in their removal from the school roll.	Signature of headteacher:	Date:
<input style="width: 30px; height: 30px;" type="checkbox"/>	Leave of absence unauthorised for the dates specified above. Should your child be absent on the dates specified above, these dates will be marked as unauthorised. This absence may result in a penalty notice being issued by the LA on behalf of the school.	Signature of headteacher:	Date:
<input style="width: 30px; height: 30px;" type="checkbox"/>	Other:	Signature of headteacher:	Date:

Parents – Parent means: all natural parents, whether they are married or not, any person who has parental responsibility for a child or young person; any person who has care of a child or young person i.e., looks after and looks after the child.

Name		Name	
Address		Address	
Telephone number		Telephone number	
Email		Email	
Confirmation letter sent to parent	Yes / No	Confirmation letter sent to parent	Yes / No
Date sent		Date sent	

Information for parents/carers

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