



Guidance for Schools and Services on Attendance Procedures

Revised December 2009

Contents

Introduction	Paragraphs 1-3	Legal Measures to Secure School Attendance	Paragraphs 89-99
Why Attendance is Important	4-7	including:	
The Legal Framework	8-19	<ul style="list-style-type: none">• Parenting contracts• Prosecution• Fast track to attendance• School attendance orders (SAO)• Education supervision order• Fixed penalty notices (FPNs)• Parenting orders	
including:		Appendix 1	Request for leave of absence to be taken during term time – leave not granted.
<ul style="list-style-type: none">• Parents/carers• Compulsory school age• Full-time education• Education other than at school		Appendix 2	Request for leave of absence to be taken during term time – leave (all or part) granted.
Managing School Attendance	20-55	Related Documents	
including:			
<ul style="list-style-type: none">• School attendance policies• School data analysis• Attendance registers• Attendance codes• Deletions from the admission register• Missing pupils• Recording absence• Family holidays			
Special Circumstances	56-76		
including:			
<ul style="list-style-type: none">• Dual registration• School-age parents• Traveller pupils• Pupils ‘looked after’ by the local authority• Pupils with custodial sentences• Pupils with medical needs• Mobile families• Elective Home Education / EOTAS			
The Education Welfare Service	77-88		
including:			
<ul style="list-style-type: none">• Processes for referral & notification			



Introduction

1. These attendance procedures set out the requirements for schools and other educational settings for the management of pupil attendance and absence. They reflect statutory requirements and the most recent guidance from the DCSF.
 - parents and carers have a duty to ensure that their children attend school regularly and punctually in order to get the most benefit from their schooling;
 - Haringey Council is committed to supporting children and young people, schools and families to achieve and maintain good attendance at school.
2. There are different arrangements for supporting attendance at primary, secondary, and special schools, and other educational settings. Secondary schools have devolved funding, whilst primary and special schools receive a service from the central Education Welfare Service. The requirements set out in the Local Authority (LA) procedures apply to all settings, regardless of the arrangements that are in place for the delivery of the support.
3. The key principles which underpin the LA procedures for managing attendance are that:
 - regular and punctual attendance at school is key to the academic and social development that will improve the life chances of children and young people;
 - children and young people who attend school regularly and punctually are less likely to be at risk, both in terms of engaging in anti-social behaviour and in terms of their own health and safety and welfare;

Note: Wherever this policy refers to 'school', this also refers to Pupil Referral Units (PRUs) or any other statutory provision.

Why Attendance is Important

4. Children and young people in Haringey come from diverse backgrounds and a range of life experiences. Most attend school regularly and on time, and leave school well equipped for further education and employment, able to contribute significantly to society.
5. For a small minority, school is the only place of physical as well as emotional safety and may be the most secure aspect of their lives.
6. Children and young people who do not attend school regularly are at risk from a whole range of factors that may lead to poor outcomes, including low attainment and social exclusion. The link between irregular/non- school attendance and poor academic achievement and limited or impoverished life outcomes has been well established. Research evidence shows that:
 - only 8% of persistent absentees achieve 5 or more GCSEs at A*-C grades (DCSF statistics);
 - 33% of persistent absentees achieve no qualifications at all (DCSF statistics);
 - persistent absentees are more than twice as likely to criminally offend (Youth Justice Board statistics);
 - pupils aged 15 who have played truant are more likely to drink alcohol regularly, more than twice as likely to have taken drugs and
- three times as likely to smoke regularly. They are also at higher risk of teenage pregnancy (Department of Health statistics).
7. It is essential that all of the children and young people registered for education at school, attend regularly and on time and that they access all of the opportunities that education offers. This will lead to improved outcomes for individuals and will contribute to the Council's overall strategy for making Haringey a better place in which to live and work.

The Legal Framework

8. Attendance at school is based on a range of statutory requirements. These place duties on the Local Authority, parents/carers and schools. Other partners, such as the Police and Youth Offending Service have particular responsibilities for contributing to initiatives to address non-attendance at school or other provision.
9. A number of terms are used in the LA Attendance Procedures that have a legal basis. Clarification of the meaning of these terms is set out below.

Parents/Carers

10. The term 'parent' refers to either one, or both, parents, or the child's carer.
11. Section 576 of the Education Act 1996 defines 'parent' to also include:
 - all natural parents, whether they are 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.
12. Section 3 of the Children Act 1989 defines 'parental responsibility' (PR) as all the rights, duties, powers, responsibilities and authority

which by law a parent has in relation to a child and his/her property.

13. In the case of children who are 'looked after' by the local Authority, (Children in Care - CiC), parental responsibility is with the allocated Social Worker, as the LA is the corporate parent.
14. Parents/carers have the primary responsibility for ensuring those children of compulsory school age receive a suitable education, either by compulsory attendance at school or otherwise (section 7 of Education Act 1996).
15. Where parents/carers fail to carry out this responsibility, the LA has a duty to take action against those parents/carers, either by:
 - issuing a fixed penalty notice;
 - prosecution in the Magistrates Court;
 - application for an Education Supervision Order (ESO) under the Children Act 1989 in the Family Proceedings Court.
16. Compulsory school age is defined as the start of the term commencing on or after a child's fifth birthday, until the last Friday of June in the school year that they reach sixteen.

Compulsory School Age

17. In law all young people, whether entered for examinations or not, are debarred from taking up full time employment until the school leaving date. This applies equally to young people educated otherwise as well as on school roll.

Full-Time Education

18. DfES Circular 7/90 provides guidance on the minimum time that pupils should be taught each week as follows. Taught time does not include breaks, registration or acts of collective worship.

- Key Stage 1 21 hours
- Key Stage 2 23 hours 30 minutes
- Key Stage 3 24 hours
- Key Stage 4 25 hours

Education Other Than At School (EOTAS)

19. Parents/carers have a duty to ensure that their children receive a suitable education. They do not have to do this through registering them for attendance at school. However, they do have to demonstrate that the education provided is suitable. The LA policy for education other than at school (elective home education) sets out the procedures for managing this in Haringey.



Managing School Attendance

20. Attendance is an important whole-school issue and needs to be managed at school level for all children. For some vulnerable children and young people, more individualised approaches are required and support will be provided from a wider network of agencies. Children and young people who are more likely to require access to such support include Travellers, children in care (CiC), young carers, and young women who are pregnant or are teenage parents. This list is not exhaustive but indicates the groups of young people who may require additional monitoring to ensure that they receive support at an early stage.

School Attendance Policies

21. Management of attendance must be based on an effective whole-school policy. This policy should set out how attendance will be addressed both in terms of individual pupils, and as a whole school issue. Dealing with attendance issues on an individual pupil basis alone will not impact significantly on overall school attendance rates.

22. The school attendance policy should underpin all actions to promote and improve attendance and actions to address absence.

This policy should be shared with parents and carers and set out:

- the systems for promoting attendance, recording attendance and absence and for addressing lateness and absence of all pupils and to ensure consistent implementation;
- the roles, responsibilities and contributions of the whole school community, including parents and carers;
- arrangements for the monitoring of attendance and the measures that will be taken to tackle poor attendance, including the involvement of external agencies and the use of statutory powers.

23. School attendance policies should include information on:

- parental responsibility for attendance and the school policy for working with parent/carers;
- timing of the school day and for register closure. Schools should have a written policy on the times the register is open and closed. These times can be different for different pupils, for example, those attending a school's exclusion unit. Closure of registers thirty minutes after the start of the school day is recommended in line with DCSF guidance. Registers should not be kept open for any longer than this except for example on a day when the weather is very poor, and a school may for that one day only, extend the time for an additional five to ten minutes;

- procedure for parents/carers to notify the school when pupils are absent;
 - how and when schools will contact parents/carers as a follow up to school absence;
 - procedures for dealing with requests for leave in term-time;
 - likely sanctions where leave taken in term-time is not authorised by the headteacher;
 - systems for working with the Education Welfare Service (EWS) on whole-school initiatives and individual referrals;
 - systems for advising parent/carers who are concerned or may need additional support.
24. The policy should be available to pupils, parents/carers, governors and staff. The most effective policies are more often those that have been drawn up with these key groups.
25. Schools must ensure that the policy complies with the Race Relations Amendment Act (2000) and the Human Rights Act (1998). This means providing information that is accessible and understandable to parents, including translation and interpretation. This is particularly important for parents new to the country, who may not be aware of the importance of school attendance and of the law relating to school attendance. Lack of knowledge or understanding may result in lower school attendance rates for some ethnic groups. Schools should analyse their data, and that provided by the Local Authority, to determine whether particular groups may be disadvantaged and require specifically targeted support. The most effective strategies have involved community groups to support targeted intervention leading to a positive impact on school attendance.
26. Schools can draw upon advice from the EWS to establish their own policies, including review of existing policies. The EWS has produced a policy checklist and a

model school attendance policy to support schools to develop their own practice. The DCSF website has much material that can be supportive of schools endeavours to improve attendance. This can be accessed via the following link: www.dcsf.gov.uk/schoolattendance

School Data Analysis

27. Schools must analyse the information that they have on patterns of attendance and absence. This is essential to determining how the school should address the attendance issues within their own context and to set meaningful targets for improvement. This should include consideration of:
- issues with any particular subjects, classes or year groups;
 - attendance patterns of children in care;
 - patterns of attendance and absences of different ethnic and cultural groups;
 - differences in attendance and absence of boys and girls;
 - the impact of a few pupils with very high levels of absence (these are likely to be pupils who are persistently absent (PA));
 - the numbers of pupils having short but sporadic absences.
28. This list is not exhaustive but includes examples of the factors schools should take into account.
29. This information is vital in order to prioritise different groups and devise strategies for improving attendance across the whole school, as well as making effective use of resources to address any issues. Failure to do so may impact detrimentally on the schools effectiveness in delivering equality of opportunity for all pupils.
30. The DCSF is encouraging all schools to use

electronic registration systems. These make it easier to obtain regular attendance reports to support data analysis. These systems can also be used effectively for automatic generation of letters to parents/carers that ensure a prompt response to any absences that cause concern.

31. Whichever system the school uses, it is essential that the school communicates with parents/carers about attendance/absence. These communications must provide clear details and audit trails about school action, as they may be needed at a later date, especially if a decision to prosecute is made.

Attendance Registers

32. Schools are legally required to maintain accurate registers of attendance. The LA has a statutory responsibility to carry out register checks and to ensure that attendance registers comply with legal requirements. The EWS discharges this responsibility on behalf of the LA. The EWS carries out regular register checks and provides feedback to schools through regular written reports.

33. Schools must maintain their registers in accordance with legislation and the LA procedures. Schools attendance strategies will be evaluated against these measures:
 - Registers are important legal documents and should be kept secure. They may be needed for a range of legal purposes. They may be kept manually or electronically but in both cases, the original entry and any subsequent correction should be clearly distinguishable.
 - In the case of electronic registration, staff must print the attendance register at least once a month. At the end of the school year, sheets must be bound into annual volumes and like manual registers, kept for at least 3 years. Alternatively, they may be written to a CD and securely stored.

- Manual registers must be kept in ink (permanent marker).
- Schools are required to take an attendance register twice a day; at the start of the morning session and once during the afternoon session.
- The register must show whether any pupil whose name has not been deleted from the admission register, is present or absent, and whether any absence is authorised or unauthorised.
- Registers should indicate when pupils arrive at school late, and should distinguish between lateness and lateness after the registers have closed.
- Authorised absence is where the school has given approval in advance for a pupil of compulsory school age to be away, or has accepted an explanation afterwards as satisfactory reason for absence.
- All other absences must be treated as unauthorised.
- Only schools (not parents/carers) can authorise absence, and schools must adhere to DCSF guidance relating to the authorisation.
- Schools must record separately if pupils are on approved educational activity. This counts as present, but for health and safety reasons, must be registered differently.
- The law permits pupils to be dually registered at the Tuition Service (PRU for medical needs) and at the Pupil Support Centre (PSC). Confirmed attendance at either of these provisions counts as present for that session at the 'base' school.
- Traveller pupils may, as a result of the nature of their parents/carers' trade or business, be registered as a pupil at more than one school. Confirmed attendance at a second school should be recorded as an approved educational activity.
- Approved educational activity might include work experience, field trips, sporting activities, year 6 pupils attending their

secondary school for 'taster days', and placement of year 11 pupils at another higher educational establishment or receiving education off site whilst under the supervision of the home school.

34. Schools must be aware that they are responsible for Child Protection and Health and Safety of pupils in all of the circumstances described in the above sections. They must have accurate registration procedures and regular communication between the school and

staff responsible for the alternative provision, regarding pupil attendance. If the pupil does not attend the alternative provision, they should not be marked as present on the register of the home school, and normal school procedures for dealing with non-attendance/poor punctuality should be triggered.



Attendance Codes

35. The following codes for the recording of pupil absence and attendance came into effect from 1st September 2006 and no other codes should be used.

CODE	DESCRIPTION	MEANING
/	Present (AM)	Present
\	Present (PM)	Present
B	Educated off site (NOT Dual registration)	Approved Education Activity (Counts as present)
C	Other Authorised Circumstances (not covered by another appropriate code/description)	Authorised absence
D	Dual registration (i.e. pupil attending other establishment)	Approved Education Activity(Counts as present)
E	Excluded (no alternative provision made)	Authorised absence
F	Extended family holiday (agreed)	Authorised absence
G	Family holiday (NOT agreed or days in excess of agreement)	Unauthorised absence
H	Family holiday (agreed)	Authorised absence
I	Illness (NOT medical or dental etc. appointments)	Authorised absence
J	Interview	Approved Education Activity (Counts as present)
L	Late (before registers closed)	Present
M	Medical / Dental appointments	Authorised absence
N	No reason yet provided for absence	Unauthorised absence
O	Unauthorised absence (not covered by any other code/description)	Unauthorised absence
P	Approved sporting activity	Approved Education Activity (Counts as present)
R	Religious observance	Authorised absence
S	Study leave	Authorised absence
T	Traveller absence	Authorised absence
U	Late (after registration closed)	Unauthorised absence
V	Educational visit or trip	Approved Education Activity (Counts as present)
W	Work experience	Approved Education Activity (Counts as present)
X	Untimetabled sessions for non-compulsory school-age pupils	Not counted in possible attendances
Y	Enforced closure	Not counted in possible attendances
Z	Pupil not on roll	Not counted in possible attendances
#	School closed to pupils	Not counted in possible attendances

Deletions from the Admission Register

36. The following are the only grounds for of a pupil of compulsory school age being legally deleted from the register:

- The named school on a school attendance order is substituted for another named school, or the order is revoked so that provision is made by the LA for the pupil to receive education otherwise than at school.
- The pupil is registered at another school.
- The school has received confirmation in writing from the parent/carer that the pupil is in receipt of education otherwise than at school. In this case, the school should make a referral to EWS within 10 days. In which case the school must inform EWS immediately and delete the child's name from the register.
- The pupil has died.
- A pupil being granted leave of absence exceeding ten school days for the purpose of a holiday has failed to attend school in the ten days immediately following the period for which leave was granted, and the school is not satisfied that the pupil is unable to attend school due to sickness or other unavoidable cause.
- The pupil has been permanently excluded from that school and the time for lodging any appeals has passed.
- The pupil has been admitted into a nursery class within the school and on completion of this has not transferred to a reception class.
- The pupil will cease to be of compulsory school age before the school next is open and intends to cease to attend the school.
- The pupil has ceased to attend the school and no longer lives within a reasonable* distance from the school at which the pupil is registered.
- *Schools will need to bear in mind exactly what is 'reasonable' – in that many pupils travel considerable distances to school.

Any such cases should be discussed with EWS prior to deletion.

- The pupil is certified by a school medical officer as unlikely to be fit to attend school before ceasing to be of compulsory school age.
 - The pupil has been continuously absent from the school for a period of not less than four weeks, and both the school and LA have failed, after reasonable enquiry, to locate the pupil and their name has been logged with the LA.
 - The pupil has been continuously absent from the school for a period of not less than four weeks and is now detained by a court or by order of the Secretary of State.
 - in the case of a school other than a maintained school: The pupil has ceased to be a pupil at the school.
37. Deletion from the register for any reason, including non- attendance, other than those listed above, would not be deemed to be lawful and could have potentially serious Child Protection implications, and could result in court proceedings being taken against the governing body.

Missing Pupils

38. In Haringey, headteachers are required to consult with the Education Welfare Service before any child is removed from the register. No child who is deemed as 'missing' under the definition of the Missing Pupils Protocol will be removed from the school register until their whereabouts have been established and a decision has been made regarding their future care and education placement. Schools must inform the Local Authority (EWS) of any child who has been missing for 10 days, earlier if it is suspected that the family may have moved.

39. The EWS will continue to liaise with partner agencies in order to locate the child and the school will be requested to send the school file to any new school or provision when it is established that the child has been taken on roll.
40. The national School to School (S2S) database provides a facility for schools to securely share information on children in these circumstances and enables the out-going schools to post the file electronically and for the receiving school to access the information.

Recording Absence

41. The LA procedures for recording absences comply with the DCSF requirements and guidance. Implementation of these procedures will ensure that should it become necessary for schools or the LA to use statutory powers, the case will be robust.
42. Schools need to give careful consideration to the authorisation of absence for some pupils. Where a pupil has frequent absences then schools may decide to ask for evidence such as a medical certificate, appointment card, or label from any prescription. Additionally, in some cases, schools may wish to refer to the school nursing service where there are health concerns, or if there is a suspicion of parentally condoned absence. Schools may wish to write to the family's GP (seeking permission first from the family) to confirm that there are medical grounds for absence.
43. In the case of pupils subject to Child Protection plans, schools need to consider all possibilities when deciding whether to authorise absence. There could be other reasons why the parent/carer has kept the pupil at home.
44. Authorised absence includes:
- illness, medical and dental appointments. Parents/carers should be encouraged to make appointments out of school time;
 - days of religious observance as agreed by the LA equalities and the Standing Advisory Council on Religious Education (SACRE).
 - interviews with prospective employers, or for a place at another school including exam entry for that school;
 - study leave – only for year 11, which should not exceed three weeks for those pupils only who are taking exams. Study leave is not 'approved educational activity' but is authorised absence;
 - leave in term time – should not be encouraged. The decision on whether to grant leave during term time rests with the proprietors of the school (operationally by the headteacher) and any decision should be made on individual circumstances;
 - exclusion whether fixed term or permanent should be regarded as authorised absence for the first five days. From September 2007, the LA is responsible for providing for all excluded pupils from day six of any permanent exclusion and schools for provision from day six of any fixed term exclusion. Where provision has been made and the pupil does not attend, their absence should be recorded as unauthorised unless there are valid reasons for non attendance;
 - schools have discretion to authorise absence in certain circumstances such as domestic emergency, bereavements, but will need to consider each individual circumstance as well as the pupil's attendance record;
 - participation in public performances such as films, concerts etc must be licensed by the Local Authority in which the pupil lives. In Haringey, this is undertaken by the EWS;
 - Traveller pupils who are travelling for the purposes of their parents' work;
 - pregnant schoolgirls and school age mothers
 - lateness after the closure of registers should be considered as unauthorised absence.

Exceptional Leave

45. The LA policy is that leave should not be taken during term time, but schools may exercise discretion when responding to parental requests.
 46. There is no automatic right to any leave in term time.
 47. Leave of absence must be requested from and agreed by the school in advance of any absence. If approved, the absence is registered as authorised and if not approved but still taken, as unauthorised. Schools have been provided with documentation to use when dealing with any requests for leave in term time. This provides parents/carers with information about the possible consequences of taking leave that has not been authorised. (See Annex 1)
 48. Regulation 12 of the Education (Schools and Further Education) Regulations 1981 includes the discretionary power for leave to be granted for the purpose of an annual family holiday or an annual holiday during term time. Such permission is granted in accordance with arrangements made by the governing body of the school. Only in exceptional circumstances may the amount of leave granted exceed (in total) more than two weeks in any year. Schools should not regard 10 days as the norm.
 49. The Education (Pupil Registration) Regulations 1995 set out the circumstances within which agreement for absence for the purpose of a family holiday:
 - leave of absence may only be granted by a person authorised in that behalf by the proprietor/headteacher of the school;
 - on application made by the parent with whom the pupil normally resides, a pupil may be granted leave of absence from the school to enable him/her to go away on holiday;
 50. These regulations clearly make the point that the Headteacher has the final decision as to whether to authorise the leave or not. There should be no 'blanket policy' but schools should consider individual circumstances.
 51. In deciding whether or not to grant the request for leave of absence the following should be taken into account:
 - overall pattern of attendance;
 - age of the child(ren);
 - phase of education;
 - time of the year and examinations;
 - length, destination and purpose of the holiday and whether it is likely to be a rare event in the life of the child;
 - family circumstances and the parents/carers reasons for wanting to take their annual holiday during term time.
 52. There are two types of leave that are subject to separate areas of law. These are:
 - short holidays, i.e. any leave authorised by the governing body of ten days or less;
 - extended trip overseas, i.e. any leave authorised by the governing body for more than ten school days in one continuous stretch.
- If the pupil fails to return from a short holiday the absences must be recorded as unauthorised absence, and a referral made to EWS. The pupil should not be taken off roll without the agreement of EWS.
53. A child's name can be removed from the register if the pupil has been granted a leave of absence exceeding ten school days and:
 - s/he has not returned by the agreed date;
 - s/he has continued to be absent for a further 10 days;

- the Headteacher is not satisfied that this is because s/he is ill or the absence is unavoidable
54. Any pupils to be removed from the school roll must first be referred to the EWS.
55. Procedures for authorising leave in term time can be summarised as:

- **Holidays in term time are actively discouraged by the school and the LA**
- **Leave of absence in term time is not a right and should not automatically be granted**
- **10 days should not be considered the 'norm'**
- **Leave should only be granted where proper procedures have been followed (a proforma for requesting leave has been provided by the EWS)**
- **Leave of absence should not be granted retrospectively**
- **It remains a discretionary power of the Headteacher to authorise leave of absence**
- **Clear advice needs to be included within the school's attendance policy and prospectus**



Special Circumstances

Dual Registration

56. The law allows for dual registration at both a PRU (in Haringey this is either the Pupil Support Centre or Williams House (the PRU for medical needs is the Tuition Service)) or special school and another local school. It also applies to Traveller pupils who can be on roll at a base school, and also at another school, when the family is travelling.
57. When a pupil is registered at institution X and attends institution Y, then the attendance at Y counts as a present for the purpose of institution X and vice versa. Attendance at another site should be distinguished in the register of each institution (see attendance codes) especially for health and safety reasons. Where the pupil does not attend either institution, they should be registered on both registers as absent. This system requires careful attendance monitoring regular liaison between the two institutions.

School-Age Parents

58. Schools are encouraged to adhere to the DCSF guidelines and maintain the education of pregnant pupils and mothers at school. Pregnancy alone is not a reason for exclusion from/non-attendance at school, and health and safety should not be used as a reason to prevent a pregnant pupil from attending school.
59. A pupil who becomes pregnant is entitled to no more than 18 calendar weeks authorised absence to cover the time immediately before and after the birth of the child. If health allows, schools should encourage pupils to return to education with the minimum interruption. Absence for antenatal classes and if the baby is ill should be classified as authorised.
60. Schools should keep the pupil on the school roll, even if she may not be able to attend for a period of time. If she is not able to attend school for health reasons, the school should provide work for her to do at home. The school has a responsibility to ensure that she continues her learning, whatever arrangements are put in place for her.
61. Haringey LA has a Teenage Pregnancy Reintegration Officer (TPRO) who works with the school and the young woman to develop an education plan. Schools are

advised to contact both EWS and the TPRO should they become aware of a pregnancy of a pupil on their roll. The TPRO can be contacted on: 020 8489 2235.

Pupils 'in care' to the Local Authority (Children in Care/CiC)

Traveller Pupils

62. Schools should aim for full attendance of Traveller pupils but should be aware that there are specific regulations regarding the attendance of these pupils. Mobility is a distinguishing feature of Traveller communities and dual registration is permitted.
63. If parents/carers inform their 'base' school or the Traveller Education Team that the family will be travelling for the purposes of work, and intend to return at a given time, the school should keep the child's place open for them and record the absence as authorised. The pupil can be dually registered at other schools whilst the family is travelling.
64. Traveller families are protected from prosecution for poor attendance at school where they can demonstrate that:
 - they are engaged in a trade or business of such nature that requires them to travel from place to place;
 - the pupil has attended school as a registered pupil as regularly as the trade permits;
 - The pupil has attained the age of six years and they have attended at least 200 half-day sessions in the preceding 12 months.
65. Schools must ensure that, although there are specific regulations relating to the attendance at school of children from the Traveller community, this should not be an excuse for not following the appropriate procedures where attendance is an issue, and the family are not known to be travelling for the purposes of work.

66. When a pupil is initially taken into care, the LA policy is that any absence is authorised by the school, using the code C (Other Authorised Circumstances). This should continue until Children & Families or the Children in Care (CiC) Education Team has confirmed that the pupil is on the roll of another school or is living beyond reasonable distance from the school, and the place is no longer needed. In such circumstances, the pupil can be taken off roll.
67. All children and young people who are CiC must be admitted to school within 20 days of placement and should have a Personal Education Plan (PEP) within 20 days of admission. Any attendance issues should be addressed through the PEP.
68. Children and young people who are CiC may be particularly vulnerable to breakdown in attendance, particularly if their care placement is not stable. Schools must be particularly alert to any signs that indicate a change in pattern of attendance. Any concerns should be discussed with the Children in Care Education Team.
69. Welfare Call is used for additional monitoring of the attendance of children and young people who are CiC on behalf of the LA. A weekly report on the attendance of each child is produced and should be used to support the implementation and evaluation of the Personal Education Plan.
70. Where school action has failed to secure improved attendance of Children in Care, schools should refer to the EWO attached to the Children in Care Education Team which can be contacted on: 0208 489 3767

Pupils with Custodial Sentences

71. There are a small number of pupils who receive a custodial sentence from the courts whilst still at school. In the case of such pupils, there should always be discussion between the school, Education Welfare service Manager and the Youth Offending Service (YOS). Where they are receiving education whilst on remand, then this may be classed as Approved Educational Activity.
72. No removal of the pupil from roll should be arranged without discussion with Haringey Council (EWS) and the Youth Offending Service, when the longer-term plans for the pupil will be taken into consideration.
73. Where alternative education will be arranged following release, or in the case of longer sentences, then there may be agreement with the EWS and the YOS to remove this pupil from the school roll.

Pupils with Medical Needs

74. Details of the LA's responsibilities for this group of pupils are detailed in the Haringey Medical Needs Policy. Where a pupil is in receipt of provision from the LA in line with this policy, then such pupils can be dually registered with the Tuition Service.

Mobile Families

75. Haringey has high pupil mobility. The reasons for this are complex, but in part may be due to the availability of private rented accommodation, and its use by agencies from outside Haringey for the families that they support. Children in these families are likely to seek places in

Haringey schools although they may later be moved out of Haringey, sometimes at very short notice. Where schools are aware that families are placed by such agencies they should, where possible, obtain the details of that agency for reference should there be a breakdown in attendance. This must be undertaken sensitively and within the requirements of the Human Rights Act.

Elective Home Education / EOTAS

76. Parents/carers do have the right to educate their children other than at school. Once the parent has formally lodged their intention to home educate with the school, in writing, a copy of this should be forwarded to the EWO for Elective Home Education, who can be contacted on: 0208 489 5046.

The Education Welfare Service

77. Schools are in the best position to raise levels of attendance. Schools have the primary responsibility for promoting regular attendance and for dealing with poor punctuality and attendance in the initial stages. When school action to improve the attendance of individual pupils, has been unsuccessful, referrals should be made to the EWS. The EWS will support the school, and if necessary, enforce the LA's statutory responsibility to ensure school attendance through the due legal process.
78. Schools have responsibility for notifying the LA (EWS), those pupils who are potentially CME (Children Missing from Education)
79. As well as responding to referrals from schools in relation to individual pupils, the EWS engages in activities on a range of levels:
- initiating and co-ordinating truancy patrols in line with the LA Truancy protocol and DCSF initiatives;
 - planning and liaison with other agencies and LAs;
 - delivering training on attendance matters to school staff and a range of other audiences;
 - disseminating good practice;
 - regular register audits and providing reports on attendance matters to schools;
80. All schools should notify the Education Welfare Service:
- of any child subject to Child Protection plans with unauthorised absence of five days, or when the designated teacher for Child Protection has any concern at all about the reasons given by the parent/carer for absence, or immediately if concerns warrant it. This does not replace any need to refer directly to Social Care as defined by Local Children's Safeguarding Board's procedures;
 - when a pupil fails to return to school after a holiday in term time and the school has failed to ascertain the whereabouts of the pupil in the ten days immediately following their due return date;
 - where the school has been notified that a pupil will be unable to attend school for a period of time for medical reasons. This might include for example, pupils who have undergone surgery, chemotherapy, are being treated for psychiatric or psychological conditions, or are about to be discharged from hospital and will not be well enough to attend school for a period of time. In such circumstances, the LA may provide home tuition in line with the LA Medical Needs Policy. (Please note, a consultant's letter indicating that the pupil is likely not to be able to attend school, is usually required.)

81. Primary and Special schools and PRUs should make referrals for poor attendance to EWS in the case of any pupil:
- with below 85% attendance where at least some of this is unauthorised;
 - after 15 incidents of lateness (after closure of the register) in a five week period;
 - after 15 sessions of authorised absence in a five week period that is not supported by medical evidence. EWS will take such a referral on the condition that no further absence will be authorised by the school;
 - after five consecutive days of unauthorised absence in the case of Haringey CiC, (when a referral should be made to the CiC EWO);
 - when a pupil fails to return following a fixed term exclusion of more than five days.

Process of Referral for Pupils with Poor Attendance

82. In line with the local Cross Borough Protocol, Haringey EWS will address attendance issues of pupils attending Haringey schools, irrespective of borough of residency.
83. Referrals from primary and special schools in cases of poor attendance should be made using a Common Assessment Framework (CAF) form, and must be accompanied by a completed attendance record card or electronic printout. Every effort should be made to obtain parental agreement to the referral, but the referral should not be delayed significantly in order to obtain this.
84. The CAF Panel will agree a Lead Professional for all cases that are accepted.
85. Secondary schools should discuss all pupils with less than 80% attendance with EWS (Secondary Attendance Manager) at the regular cycle of consultation meetings.

86. Discussions regarding possible legal proceedings relating to secondary age pupils where school action has not been successful in improving attendance should be held with the Secondary Attendance Manager at the regular cycle of consultation meetings.

Process of Notification of Pupils who are Potentially CME

87. Where a pupil has been absent from school for 10 days, and the absence has not been authorised by the school, it is expected that schools will have used a range of strategies (telephone calls/text messages, and visits by school staff), within that time to ascertain the reason for absence. Families may have taken holidays in term time without permission, may have moved without informing the school in advance, or the pupil may be truanting or ill. Such pupils are potential CME (Children Missing from Education). In the event of no contact with the family being established by such actions, and the whereabouts of the pupil is uncertain, schools should notify the EWS after 10 days unauthorised absence (sooner if there is a suspicion that the family may have left the country). For pupils who are on the Child Protection Register or who are CiC, this should be done after five days unauthorised absence, or sooner if there are reasons to suggest that the pupil is at risk of harm. A CAF assessment should be done for any pupil who has been missing from home on two or more occasions (this is in addition to the normal reporting arrangements to the police any time a pupil is known to be missing from home), and this should be forwarded to the LA.

Legal Measures to Secure School Attendance

Parenting Contracts

88. A parenting contract is a two sided formal agreement between a parent and either the local authority or the governing body of a school and relates to the pupil's attendance.

Neither parents nor local authorities or governing bodies are compelled to enter into a parenting contract. It is a voluntary arrangement. Courts, however, will have regard to whether or not parenting contracts have been tried before granting an application for a Parenting Order. A parenting contract is a written document containing:

- a statement by the parents that they agree to comply for a specified period with whatever requirements are specified in the contract;
- a statement by the local authority or governing body to provide support to the parents for the purpose of complying with the contract. This party is responsible for funding any additional support.

89. A parenting contract will be an appropriate course of action where the parent is willing but in need of support from the school to address their child's poor attendance e.g. where a pupil has failed to attend regularly at the school at which they are registered. In terms of poor school attendance, this should be assessed over a period of not less than

six school weeks before a parenting contract is arranged.

90. It is important that all parenting contracts are accurately recorded, and that no contract will be entered into without clarity about who should provide (and if appropriate fund) the support element.

Prosecution

91. Prosecution under section 444 of the Education Act 1996 may be initiated by the LA when support to the family has failed to improve attendance, and the parent/carer is deemed to have committed an offence. Such action is considered to be very much a 'last resort' when all attempts to support the family and pupil have been unsuccessful. In almost all cases, a parent contract will be arranged to identify support for the parent/pupil, followed by a period of review, prior to taking any legal action.

92. The parent/carer will be formally warned in writing regarding legal action taken by the LA, and information must be laid before court within six months of the alleged offence.

93. Evidence provided to the court by the LA will include:
- witness statement by the EWO managing the case, (including details of visits and support offered);
 - copies of all warning letters and any other documentation;
 - records of planning meetings held;
 - medical certificates for all or part of any absence if applicable;
 - documentary evidence relating to any mitigating circumstances; and
 - a report from the school such as an attendance record signed by the headteacher.
94. A range of options is available to the court, depending on whether the parent/carer pleads guilty or not guilty, and on any mitigating or aggravating circumstances. These range from absolute to conditional discharge, a fine up to £1000 under Section 444 (1) and up to £2,500 under section 444 (1A) per child, and per parent, a deferred sentence, and a range of community sentences. In serious cases under Section 444(1A) a custodial sentence could be imposed on the parent/carer. The court may impose a Parenting Order.

Fast Track to Attendance

95. The Fast Track to Attendance Framework is a time-focussed approach to case management for absence (authorised or unauthorised) with flexibility to select the most appropriate and effective interventions from a range of possible responses at each stage of the process. Where such interventions have not proved successful and the parent is considered guilty of an offence (section 444 of the 1996 Education Act) then the case will be processed speedily for legal action. Cases in the 'Fast Track to Attendance' model will be passed to legal services within 14 weeks from the point of referral, if after a period of review, there has been no improvement in attendance and there are no mitigating circumstances.
96. The aim of Fast Track is to promote early intervention by the school and where necessary, by the local authority (LA). The approach aims to ensure that rapid and appropriate action is taken to tackle absence problems as soon as they become apparent. This includes:
- early identification and follow up of absence;
 - analysis of absence patterns;
 - identification of underlying causes of absence or mitigating circumstances and taking action to address these;
 - raising awareness of expectations in terms of attendance, and of parental responsibilities to ensure children's regular attendance at school;
 - engaging the parent and child and specifying what improvements are made over a set time frame (usually 12 weeks);
 - application of sanctions and compulsory measures where the parent fails to take their responsibilities seriously and the required improvements are not made in the time frame;
 - regular monitoring of absence by the school and LA after cases have exited the Fast Track process and taking action as appropriate.
97. Once a case has been accepted by EWS for Fast Track, the following applies:
- no further absence will be authorised for that pupil without medical evidence;
 - for all subsequent absences from the school the school will be requested to trigger first day contact;
 - in the case of any parenting contract, the school and EWS will abide by what is in the contract and any support identified will be provided.

- any contract will be clearly documented, and if a parent does not agree to sign any contract then this will be noted on the contract that has been offered (for use in any subsequent legal action)
- the school will provide for translation/ interpretation at any school based meetings where the parent's language is other than English (the LA will provide for any statutory meetings).

98. The LA has a statutory responsibility to use all measures available to it, to secure regular school attendance. The range of measures currently in use is set out below.

School Attendance Order (SAO)

99. A School Attendance Order should be used when a pupil is not on roll at any school. This is likely to arise when:

- the parent/carer has not registered their child in any primary school;
- the pupil has failed to attend secondary school on transition from primary school;
- the parent/carer has failed to secure a place at the school of their preference and they are faced with options that they deem are unsuitable and the pupil fails to attend;
- the parent/carer has failed in their duty under arrangements for Education Otherwise, and failed to engage with any school;
- children from another LA move into the area have been taken off the roll of their previous school and have failed to register for a place in their new LA.

100. SAOs are managed by an Education Welfare Officer who is not a member of the EWS but works directly to the Head of Inclusion. SAOs may be used to direct the parent/carer to send their child to a specified school. Before serving an SAO, the EWO will make

every effort to engage the parent/carer and to help them get their children into school.

101. If a parent/carer fails to comply with the SAO, they are guilty of an offence under section 443 of the Education Act 1996, unless they prove that the child is receiving a suitable education other than at school. The case will then be taken to a Magistrates Court where a summons can be obtained.

102. An SAO continues to be enforced while the child is of statutory school age.

103. Alternatively, the case may be taken to a Family Proceedings court, where an application can be made for an Education Supervision Order, under the Children Act 1989.

Education Supervision Order (ESO)

104. The LA must consider applying for an Education Supervision Order (ESO) before prosecuting parents/carers. The LA may apply for an ESO as well as or instead of prosecuting the parents/carers. An ESO is a 'family proceedings matter', as determined by the Children Act, which regards the welfare of the child as the main concern.

105. An ESO makes the LA responsible for advising, supporting and giving 'directions' to the supervised child and his/her parents/carers to ensure that the child is properly educated. If the parent/carer persistently fails to comply with the order, they may be guilty of an offence, and if the child persistently fails to comply, the matter must be referred to Social Care who have a duty to investigate and could commence care proceedings.

106. An ESO will normally cease to be effective:
- after one year;
 - when the child becomes over compulsory school age; and
 - when discharged from the court following an application from the child, parents/carers or LA.

110. The Parenting Order consists of two elements:
- a requirement on the parent/carer to attend counselling/guidance sessions, and this lasts three months;
 - a requirement on the parent/carer to comply with any requirements specified in the Order. This element can last up to 12 months.

Fixed Penalty Notices

107. The Anti Social Behaviour Act 2003 introduced fixed penalty notices as an alternative to prosecution under section 444 of 1996 Act. They enable parents/carers to discharge potential liability for conviction for that offence by paying a penalty. However, if the penalty is not paid within 42 days, the Local Authority must prosecute for the offence or withdraw the notice. (The notice may only be withdrawn under limited circumstances.) The Metropolitan Police and Head teachers will be able to request that the Local Authority issue a fixed penalty notice. Any such notices will be issued as set out in the local code of conduct.

Parenting Orders

108. The court may make a Parenting Order under Section 443 or 444 of the Education Act 1996. Any such order is an ancillary order, and is imposed in addition to any other penalty imposed, and cannot be imposed in its own right.

109. Parenting Orders are designed to help and support parents/carers in addressing their child's problem behaviour. If the parent/carer fails to comply with an Order, the case may be taken back to the Magistrates Court and the parent/carer can be prosecuted for breach of the Order.

Appendix 1

Request for leave of absence to be taken during term time. Leave not granted.

Dear Parent/Carer,

Re: Request for leave of absence to be taken during term time.

Child's name & date of birth:

.....
.....

Dates requested: from
to

Thank you for your request for leave of absence to be taken during term time.

Before a school can use its discretionary power to authorise leave during term time, we must take into account:

1. the effect the absence will have on his/her education and ability to achieve;
2. your child's previous attendance record, previous leave taken during term time;
3. his/her welfare;
4. other circumstances surrounding your child's education at this school.

I have now had the opportunity to consider your request, and have decided not to authorise your request, for one or more of the reasons specified: (Please specify)

Should you decide to take your child on leave regardless of this decision, his/her absence will be registered as unauthorised absence.

In such circumstances one or more of the following may result:

- Your child may lose their school place. Should this happen, you must re-apply for a school place. There is no guarantee that it would be at this school.
- You may incur a Fixed Penalty Notice. This is a £50 penalty, payable within 28 days, and issued as a result of your child being absent for unauthorised reasons. Should the penalty not be paid within 28 days, it will increase to £100. Should this not be paid, you may be prosecuted.
- You may be prosecuted in court by the local authority, in accordance with section 444 of the 1996 Education Act, for failing to secure your child's regular attendance at school. The current maximum penalty, on conviction, is a fine of £2500 per parent per child, and/or a custodial sentence of three months.

Although I have not authorised this leave request for the reason(s) indicated above, any future requests would be considered based on the circumstances at that time.

Yours sincerely

Head Teacher

Appendix 2

Request for leave of absence to be taken during term time.
Leave (all or in part) granted.

Dear Parent/Carer,

Re: Request for leave of absence to be taken during term time.

Child's name & date of birth:

.....
.....

Dates requested: from
to

Thank you for your request for leave to be taken during term time.

Before a school can use its discretionary power to authorise leave during term time, we must take into account:

1. the effect the absence will have on his/her education and ability to achieve;
2. your child's previous attendance record, previous leave taken during term time;
3. his/her welfare;
4. other circumstances surrounding your child's education at this school.

I have now had the opportunity to consider your request, and have decided to authorise part of/ your entire request. (delete as appropriate)

I have authorised the leave from
to

Your child must return to school no later than (date) at (time).

Should your child not be able to return on this date and time, it is important that you contact us and tell us why.

A decision will then be made whether to authorise any further days absence.

However, if your child does not return to school on the date above, without good reason, any subsequent absence will be unauthorised absences. In such circumstances, one or more of the following may result:

- Your child may lose their school place. Should this happen, you must re-apply for a school place. There is no guarantee that it would be at this school.
- You may incur a Fixed Penalty Notice. This is a £50 penalty, payable within 28 days, and issued as a result of your child being absent for unauthorised reasons. Should the penalty not be paid within 28 days, it will increase to £100. Should this not be paid, you may be prosecuted.
- You may be prosecuted in court by the local authority, in accordance with section 444 of the 1996 Education Act, for failing to secure your child's regular attendance at school. The current maximum penalty, on conviction, is a fine of £2,500 per parent per child, and/or a custodial sentence of three months.

Leave taken during term time is discouraged, as this will necessarily mean your child will have an amount of work to catch up when he/she returns. I cannot therefore authorise any further leave requests made during this academic year, except in exceptional circumstances.

Yours sincerely

Headteacher

Related Documents

Absence and Attendance Codes Guidance for schools and LAs (DfES September 2006)

Children Act 1989

Circular 7/90 - Management of the School Day DfES

Crime and Disorder Act 1998

DfES Guidance on Education-Related Parenting Contracts, Parenting Orders Education Act 1986

Education (Pupil Registration) (England) Regulations 2006

Education (School Day and School Year) Regulations 1999

Effective Attendance Practice in Schools – An Overview. (DfES June 2005)

Guidance on the Education (Pupil Registration) (England) Regulations 2006 (DfES September 2006)

Guidance on Education-Related Parenting Contracts, Parenting Orders and Penalty Notices DfES 2004

The Education (School Attendance Targets) (England) Regulations 2005
London Good Practice Guidance for Safeguarding Children Missing from School (LSCB 2007)

Absence and Attendance Codes, Guidance for Schools and Local Authorities, January 2009 update (DCSF)





This is printed on recycled paper. When you have finished with it please recycle.

Published by Haringey Council's
Communication Unit 23280 • 12/09