



Policy and Practice guide for Maintained Schools on the management of pupil attendance

June 2017 revision

Education and Children's Services

~ supporting children and young people to be safe, learn, achieve and grow

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**Mission Statement
Education Welfare Service**

Every Lesson Counts

**POLICY AND PRACTICE GUIDE FOR SCHOOLS
ON THE MANAGEMENT OF PUPIL ATTENDANCE**

(June 2017 revision)

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1. Introduction

Ensuring high levels of pupil attendance is a significant factor in children achieving positive outcomes. Achievement and aspiration is a key section of the Leicester Children and Young People's Plan 2014-17 with a key aim being to raise achievement to national averages and higher by narrowing the gap between the lowest achievers and other children.

Ensuring regular pupil attendance is a key factor in increasing participation and promoting inclusion. The effective management of pupil absence from school is vitally important, for clear evidence exists which confirms a strong link between pupil absence and low attainment. A positive attendance culture is best achieved when pupils, parents/carers, the school and the Local Authority (LA) work in partnership together.

The Education Welfare Service (EWS) seeks to maximise school attendance rates at all city state maintained schools by working in close partnership with each school to support their strategies; depending on the arrangements with each school, work undertaken may include monitoring attendance levels, offering practical help and guidance and undertaking individual casework to achieve this aim. The EWS also undertakes enforcement action for all maintained schools where appropriate.

The [DfE School Attendance Guidance for Maintained Schools, Academies, Independent Schools and Local Authorities \(November 2016\)](#) sets out government expectations of schools and local authorities as follows;

- Promote good attendance and reduce absence, including persistent absence;
- Ensure every pupil has access to full-time education to which they are entitled; and,
- Act early to address patterns of absence.

Historically, the government's focus on attendance has concerned overall absence and unauthorised absence. In the 2005, the concept of persistent absence (PA) was introduced, the definition being pupils with 80% or lower attendance. All schools and LAs were required to submit targets for overall absence and LAs in addition were required to submit PA targets.

Schools and LAs are no longer required to submit absence targets to the DfE. However, there has been an increasing focus on PA; the DfE made a key change to the definition of PA with the 80% measure moving to 85% in 2010. From 2015/16 onwards, the criteria has been any child with 90% or less attendance. All schools are expected to set targets annually for both overall absence and PA.

The latest [Ofsted inspection handbook](#) incorporates attendance in the *personal development, behaviour and welfare* section and states that Inspectors will consider:

- overall absence and persistent absence rates for all pupils, and for different groups in relation to national figures for all pupils
- the extent to which low attenders are improving their attendance over time and whether attendance is consistently low (in the lowest 10%)
- punctuality in arriving at school and at lessons.

There has been a considerable amount written recently on the damaging effects upon society caused by pupil absence from school and on what LAs and schools should be doing to address the problem. The link between poor attendance and poor attainment is clear as is the link with NEET (ie pupils who leave school and are 'Not in Education, Employment or Training'). This policy and practice guide seeks to set out the legal position regarding compulsory education, to provide guidance on what schools should be doing to promote pupil attendance levels and also sets out the support schools can expect to receive from the Education Welfare Service.

This guide relates to all maintained schools. It should be noted that non-statutory EWO support is provided to academies on a traded basis and individual arrangements are agreed between each academy and the LA. Aspects of EWS support described in this guide apply to academies that trade with the service; the details are agreed individually with each academy. The statutory support that all maintained schools receive irrespective of any trading agreement is the issuing of Penalty Notices and the work related to the prosecution process in the Magistrates' Court.

2. The Legal Position Regarding School Attendance

The parent of every child of compulsory school age shall cause him (her) to receive efficient full-time education suitable -

(a) to his (her) age, ability and aptitude, and

(b) to any special educational needs he (she) may have,

either by regular attendance at school or otherwise.

(s.7 Education Act 1996)

The *Isle of Wight Council verses Platt* case considered by the Supreme Court in springtime 2017 makes it clear that regular attendance shall mean attendance in accordance with the school rules. Therefore, any non-attendance which is not in accordance with the school rules will be deemed unauthorised; it would be appropriate for enforcement action to be taken against a parent whose child has unauthorised absence from their school.

In relation to the Education Act 1996, *parent* includes any person who has parental responsibility for the child, or has care of him (her) (s.576 Education Act 1996).

The EWS operates within a legal framework and executes the LA's statutory duty of ensuring that parents/carers fulfil their legal obligations. In the case of ongoing unauthorised absence, where it has not been possible to secure a satisfactory return to school, legal action, where appropriate, is taken by the Service in the Magistrates' Court (s.437 - 446 Education Act 1996) or in the Family Proceedings Court (s.35 - 36 Children Act 1989).

The Anti-Social Behaviour Act 2003 gives the Local Authority powers to issue Penalty Notices to parents/carers in respect of unauthorised absence from school, as an alternative to legal proceedings in the Magistrates' Court. Penalty Notice can be issued to each parent. This amounts to a fine of £60 if paid within 21 days, increasing to £120 if paid after this, but within 28 days. If unpaid thereafter, the matter is taken to court in the usual way. The LA is

required to have a [Code of Conduct](#) on the use of Penalty Notices; the Code is available on the council's website.

Where a case proceeds to the Magistrates' Court, the maximum fine for failing to ensure regular attendance is £1,000, which increases to a maximum of £2,500 and/or a community penalty or a prison sentence of up to 3 months on conviction of the aggravated offence (see page 20). Parents can also be given a Parenting Order, whereby they are required to attend parenting classes and comply with specific conditions of the order, which can last up to 12 months.

3. The Role of the Education Welfare Service (EWS)

The primary function of the EWS is that of ensuring that all children of compulsory school age, unless they are receiving a suitable education otherwise, that they are on a school roll and allowed the opportunity to take maximum advantage of the educational provision made available to them by regular attendance at the school.

The service works with young people, parents/carers, schools and other relevant agencies to explore the difficulties which are preventing a young person's regular attendance and then attempts to assist the family to address and overcome these difficulties by formulating and implementing an agreed action plan.

The EWS is a support service for schools and seeks to assist them in addressing pupil attendance and welfare related matters. The EWS fulfils the LA statutory duties in respect of pupil attendance enforcement. The work consists of two main elements: individual casework and whole school improvement ie advice and guidance is provided on school absence monitoring systems in order to address pupil absence at a whole school level.

Specialist duties carried out by the service include managing child employment regulations and performance licensing (including the licensing of chaperones), initial work in respect of home educated pupils, work to ensure children who are missing from education (ie not on a school roll and not receiving a suitable home education) are registered at a school, and also acting as supervising officers for Education Supervision Orders (ESOs; see page 20).

4. The Structure of the Education Welfare Service

The Service is led and managed by a Service Manager who has overall responsibility for strategic and operational issues. Assistant Principal EWOs (Team Managers) are responsible for the day-to-day operational management of the Service; they each supervise and manage a team of EWOs. Each EWO has a group of schools assigned to them, to whom they provide a pupil attendance support service; they also provide guidance in respect of absence procedures. Where a secondary school is able to accommodate their assigned EWO, they are able to work from the school base for at least part of the week for the benefit of the school.

The administrative base for the Service is; Collegiate House, College Street, Leicester, LE2 0JX, telephone no. (0116) 454 5510.

5. Allocation of EWS Resources and EWO support to Schools

In respect of all LA maintained schools, resources are allocated according to a formula, which was previously determined by the LA Pupil Attendance Strategy Group. The current formula reflects both the number of pupils on roll linked to the level of unauthorised absence and the number of pupils who are deemed to be persistent absentees. In addition, a base level of entitlement is provided to all schools, together with further additional support where there are specific identified needs. Schools are advised each academic year of their annual EWO hours allocation. The following applies to all LA maintained schools only. NB Individual arrangements are agreed with academies who trade with the LA and there is separate documentation that covers the trading arrangements.

Each school has a designated EWO and a pattern of regular visiting is agreed with the attendance leader at each school at the start of the academic year. This will either be weekly, fortnightly, three-weekly, monthly or half-termly dependent on the needs of the school. On receipt of a referral from the school, the EWO supports the school by undertaking casework for individual pupils who have attendance concerns. Where required by the school, on a half termly basis, there will be an analysis of the school's absence data which can inform an action plan for the following half term.

6. EWS Intervention and Support to Schools

There are many reasons for non-attendance, some of which are highly complex and an easy solution may not be available. Non-attendance can be an early sign of other problems within a family. In undertaking their work, EWOs also have a welfare and safeguarding role that complements and enhances their attendance role.

EWOs work most effectively in improving a pupil's attendance when the work is undertaken in a coordinated way with the school. The EWO is best seen as an extension to the school team and a resource that supports school strategies for dealing with attendance issues.

The EWS has developed a rigorous system of attendance monitoring, which centres around regular **Pastoral Referral Meetings** (PRMs) which are held with each school. The focus of these is a review of the 'threshold' lists of attendance, whereby any pupil whose attendance level is below 95% in primary schools and 90% in secondary schools, should be discussed. Concerns should be identified at an early stage, thus enabling appropriate intervention action to be identified and implemented without undue delay.

The EWS aims to undertake early intervention and preventative work as part of a structured response to non-school attendance, which builds directly on the action(s) already taken by the school. This should hopefully address many problems before they become too entrenched and avoid the need for long-term EWS intervention. Cases can always be referred with lower levels of attendance (than those stated above) where there are particular indicators which call for earlier intervention. The EWS will however usually need some absence to be unauthorised to become involved. Where school staff are concerned about a child's absences but unsure about appropriate coding, children may be referred where absence is left uncoded ('N' coded) pending further information which should become available as a result of the EWO's involvement.

Clear evidence exists which shows that extensive delays in referring cases to the EWS inhibits its ability to effectively address the concerns and, as a result, risks problems becoming deep-rooted and extremely difficult to turn around, even with the use of court action. The EWS aims to work more closely with schools experiencing significant attendance problems, helping to develop their attendance monitoring systems and strategies in order for them to be more effective, whilst at the same time also developing their own capacity to manage without extensive EWS intervention.

Where required by the school, a **half-termly analysis of each school's absence data** is undertaken by the EWO in conjunction with the school's attendance leader. This focuses on whole school absence data and in particular the breakdown of the various categorisations of absence, enabling necessary action to be identified and an action plan agreed for the following half term. By addressing such whole school absence issues, attendance levels should increase and the need for intensive individual casework should be reduced.

Where requested by a school or where felt to be an appropriate action by the EWS, a **Service Provision Review Meeting** can be held to review school absence monitoring systems, the support role of the EWS and other relevant agencies, progress made towards meeting the school's absence and PA targets and any issues arising from half-termly attendance action plans.

7. Supervision of Education Welfare Officers

All EWOs have a structured supervision session with their line manager (Assistant Principal EWO) on a 4 - 5 school week cycle. (This includes EWOs providing a traded service to one or more academies.) At these meetings there is a review of all cases where a manager's advice or guidance is required. The decision whether or not to request advice from the manager is primarily the EWO's but as a general principle, the following cases will be discussed and agreements made re EWS action; any case where a child's unauthorised absence is continuing despite the EWO's intervention, where the case is complex, or where a case has been open for a long time.

EWO supervision also provides the opportunity to review the whole school data and action plans arising from the half-termly absence monitoring meetings for each of the EWO's schools where this is helpful. All casework supervision takes account of vulnerability factors which are indicated on the supervision report; these include CSE or missing episode markers and/or social care involvement markers.

8. Level of Service Response Schools can Expect from EWS

The EWO will, in conjunction with the school attendance leader, determine how the allocated time is utilised, including the frequency and duration of Pastoral Referral Meetings (PRMs).

The EWO will attend PRMs in school at the appointed time. Where this is not possible due to illness or other special circumstances, the officer will attempt to re-schedule the meeting time. In the event of long-term sickness, the EWS will aim to provide cover after one week of absence, to the extent it is able within current resources.

9. The Role and Responsibilities of Schools Concerning the Registration and Attendance of Pupils

All maintained schools are required to keep -

- (a) an admission register; and
- (b) an attendance register.

The requirements which schools must follow are contained within The Education (Pupil Registration) (England) Regulations 2006.

The **admission register** should include details of all pupils from the allocated or agreed start date at the school; it is from that date a pupil is deemed to be a registered pupil at the school.

The only grounds for deleting a pupil's name from the admission register are stated in the regulations and should be strictly adhered to.

Where the name of a pupil is deleted from the admission register, the school must update their SIMs records. Special schools must seek the authorisation of the LA before deleting any pupil, except when the pupil has died or been permanently excluded. There are also specific requirements introduced by *The Education (Pupil Registration) (England) (Amendment) Regulations 2016* concerning the responsibilities of all schools to share information with the LA on additions and deletions to the school roll. These requirements are details in the [LA and Maintained Schools Protocol on Management of Children Missing Education December 2016](#) which is available on the Extranet.

The **attendance register** must be taken twice per day, once at the start of the morning session and at some point during the afternoon session; the timing of the afternoon registration is for each school to determine. Whilst the precise time for the register to remain open is not stated, the then DCSF indicated that a period of 30 minutes from the beginning of registration to the formal closing of the register is reasonable, though schools are of course free to set shorter periods if they wish.

When taking the attendance register, schools are required to note the presence or absence of every pupil whose name appears on the attendance register. The Education (Pupil Registration) (England) Regulations 2006, s.6 (1) (b), requires schools to classify the absence of any pupil of compulsory school age as being authorised or unauthorised.

A child is deemed as being of compulsory school age at the beginning of the term following their fifth birthday (ie when they attain the age of 5 by the 31st August, 31st December or 31st March), until the last Friday in June of the school year in which they attain the age of sixteen (s. 52 Education Act 1997 and s. 8 Education Act 1996).

It should be noted that it is the school and not the parent(s)/carer(s) who determine whether or not the absence is authorised.

Where the school has reason to doubt the validity of an explanation offered for a particular absence, further information should be requested from the child's parent(s)/carer(s). Where the school consider such requests could damage the relationship between themselves and the parent(s)/carer(s), or where the school is uncertain whether or not to accept a parental explanation provided, then the best course of action may be to leave the absence uncoded

(ie as an 'N' code and not to authorise it) and the matter should be referred to the EWS for them to undertake an assessment on behalf of the school. Once the assessment has been undertaken, the Service will report back to the school with its recommendation on how the absences should be categorised.

Note: If the recommendation is for the absences to be unauthorised, yet the school nevertheless elect to authorise them, unless the child was to be referred to the Children's Hospital School, there would not be a continuing role for the EWS, though of course a further referral could be made if the situation changed or fresh concerns arose.

If the concern related to the authenticity of absence is attributed to illness, then the school/EWS may seek medical confirmation of the illness from the parent. Where concerns continue, the EWS have a protocol with the School Nurses and a referral may be made with the parent's consent. In certain cases and again with a parent's consent, the EWO may write to the GP asking for a brief response about whether or not the medical issues justify the level and frequency of absences a child has had.

Where necessary, where medical evidence is available, arrangements would be made for the child to be referred to the Children's Hospital School (CHS) for medical outreach provision or provision within the CHS. Education must be provided by the 15th day of absence from school due to a genuine continuing medical condition for which there is medical evidence. (In these cases, the evidence would usually be provided by CAMHS or a Consultant.) No parent should ever be in a position of paying for medical evidence in relation to their child's absence from school; schools will usually accept appointment cards and/or prescriptions where they require evidence and DfE advice confirms that this is appropriate.

Absence should be treated as authorised if:

(a) The pupil has been granted leave of absence in accordance with regulation 7, Education (Pupil Registration) (England) Regulations 2006.

NB The Education (Pupil Registration) (England) (Amendment) Regulations 2013 (Statutory Instrument No 756) amended regulation 7 of The Education (Pupil Registration) (England) Regulations 2006 to the effect that Head teachers are prohibited from granting leave of absence except where an application has been made in advance and they consider there are exceptional circumstances relating to the application.

(b) The pupil is unable to attend due to:

- i) sickness or unavoidable cause (which will apply in very limited circumstances);
- ii) religious observance; or
- iii) the school is not within walking distance of the pupil's home and the LA has not provided transport or enabled a place at a nearer school.

Walking distance to school is defined as being under 2 miles for a child under age 8 and under 3 miles for a child aged 8 and over. If a parent opts by way of parental preference to send their child to a school over the walking distances despite being offered a place at school within walking distance, they are not usually entitled to transport. However, children from low income families have additional entitlements (ie children entitled to FSM and/or parents are in receipt of the maximum level of Working Tax Credits).

Further information on the [entitlement to transport](#) is available on the Council's website.

When marking attendance registers, in addition to categorising pupils as being present, authorised absent or unauthorised absent, the Regulations permit certain activities to be coded as **'approved educational activity'**. This covers the following supervised activities, undertaken off-site but with the approval and monitoring of the school:

- work experience;
- field trips and educational visits, in this country and overseas;
- sporting activities;
- link courses at FE colleges;

The key features of approved educational activities are that they are educational and directly linked to the school's programme, approved by an authorised representative of the school such as a teacher and supervised either by school staff or someone authorised by the school; such absence counts as a present mark for registration analysis purposes.

Since September 2011, the attendance register of a pupil who is attending another school as part of a **dual registration arrangement**, (ie on roll at their main school and the PRU/Children's Hospital School/a special school) is coded differently due to a change in the use and statistical meaning of the attendance code D (dual registration): each school only marks attendance and absences for the sessions the pupil is required to attend their school, with the D code being used to mark all of the sessions where the pupil is due to attend the other school. The D code is not counted in the school census. **There may be a small number of unusual cases which do not necessarily follow the above where the two schools need to agree which school records the D code and which any absence for specific sessions eg where a pupil is not attending their SBSS provision or where due to a pupil's health issue, fewer than 10 sessions of provision are available for a limited period.**

Whilst an absence at the 'other' school that is D coded does not count as an absence in the main school's attendance figures (and will effectively be disregarded), the main school remains responsible for the pupil as before. Clear systems of liaison should continue to ensure that absences or any other difficulties are addressed and there should be clear agreement about which school should follow up any absences. To aid this process, in relation to absence, the PRUs will refer directly to the main school's EWO with information also being shared with the main school.

The enrolment status of dual registered pupils should be recorded as follows:

Enrolment status in main school:	'Main – Dual Registration'
Enrolment status in subsidiary school:	'Subsidiary – Dual Registration'

The guidelines for recording the **pupil enrolment status and the attendance of Diploma pupils and pupils on managed moves** differs from the above: these pupils should be treated as quest pupils. The enrolment status should be recorded as follows:

Enrolment Status in main school:	'Current Single Registration'
Enrolment Status in managed move school:	'Guest Pupil'

Guest pupil status enables schools to enter the details of the pupils on their system to enable them to be timetabled and to provide emergency contact information. When a managed move is successful and there is agreement to take the pupil on a permanent basis, the 'guest' school should change the enrolment status to 'current single registration'

to coincide with the date of the pupil being removed from their original school's roll. Morning and afternoon registration cannot be recorded for a guest pupil in the normal way on the system in the 'guest' school: the boxes are greyed out. Lesson attendance should be recorded on lesson monitor (or similar) if the school has this or manually if not.

The 'guest' school and the main school must liaise over attendance. The main school keeps the official register recording the AM/PM session attendance: sessions should be coded with a 'B' when the pupil has attended and with the appropriate absence code when the pupil is absent. The main school return all the data to DfE as part of the School Census return. The pupils do not feature in the return of the 'guest' school. (The Leicester City Behaviour and Attendance Partnership "PROTOCOL FOR "SUPPORTED MANAGED MOVES" provides full details of the protocol regarding managed moves.)

Additional detailed [guidance on enrolment status and coding](#) is available on the Extranet.

Use of the 'Y' code:

The Y code has a statistical meaning of 'not counted in possible attendances'. It is used to record sessions of enforced closure. Relevant situations include where official school transport has failed, where inclement weather has caused widespread travel disruption, and where all or part of a school is closed due to a failure of the heating system etc and for pupils in custody for whom no education is being provided. It can be used for individual pupils, for groups of pupils and for the whole school. This code is counted in census returns and will be published by the DfE.

Preservation of Registers:

Every entry in an admission or attendance register shall be preserved for a period of three years after the date on which the entry was made. Such registers can be either manuscript or computerised; in the case of computerised attendance registers, a minimum monthly printout of the register is required unless a computerised backup is made not less than once a month (Regulations 14 & 15, Education (Pupil Registration) (England) Regulations 2006).

Computerised registers must be made in accordance with the Data Protection Act 1998 chapter 29.

Inspection of Registers:

The admission and attendance registers of every school must be available for inspection during school hours by H.M. Inspectors of Schools, inspectors appointed under s.1 (2) Education Act 2005, any additional inspector assisting the Chief Inspector in accordance with paragraph 2 (1) and, in the case of an LA maintained school, any officer of the LA authorised for that purpose (e.g. EWOs and auditors) (Regulation 10, Education (Pupil Registration) (England) Regulations 2006).

Notification of Pupil Absence:

Schools are required to notify the LA of the name and address of every registered pupil of compulsory school age who fails to attend school regularly, or has been absent from school

for a continuous period of not less than 10 school days, where this absence is not covered by a medical certificate, or is not due to leave of absence granted in accordance with Regulation 7, Education (Pupil Registration) (England) Regulations 2006, or is not due to attendance at an Approved Education Activity.

Where schools have arrangements in place to automate the sharing of pupil attendance data, no additional actions are required to fulfil this responsibility. Where this is not the case, a data sharing protocol is required. In addition, pupils with irregular attendance concerns will usually be referred to the EWS (and this will be via secure means eg using Anycomms+).

Schools should ensure that all staff are aware of the legal requirements regarding pupil attendance and registration, and that there is a common approach throughout the school concerning the marking of registers and responding to pupil absence. This will include monitoring systems that identify, at an early stage, pupils with poor or irregular patterns of attendance and/or punctuality.

For further guidance on the treatment and classification of absence refer to the [DfE guidance](#); School attendance - Guidance for maintained schools, academies, independent schools and local authorities.

10. School Based Strategies to Address Non-attendance

Parents/carers and pupils need to be made aware from day one of the importance of regular and punctual attendance; the message needs to be reinforced regularly. Schools should have an attendance policy that clearly sets out its expectations of parents/carers and pupils regarding attendance, punctuality and the notification of pupil absence. This should be made known to all staff and parents/carers. Key elements of this policy can be stated in the school's prospectus, regular newsletters and in any parental guides on pupil attendance. A [School Attendance Policy](#) template is on the Extranet.

There is much that school staff can, and should, do before involving EWOs in an attendance case. Each school should have an identified 'attendance leader' with overall responsibility for pupil absence across the whole school and in addition to this, it is helpful to have a Governor nominated to lead on attendance. There should be a clear escalation process for dealing with pupil absence, which clearly outlines individual staff action and responsibility, such as:

- action by the class or form tutor as part of their day-to-day duties;
- involvement of others within the school (e.g. head of year, headteacher);
- contact with parents/carers (e.g. by telephone, letter or by inviting them into the school)

First day absence contact by school with the parents/carers of all pupils who are absent from school, where the reason for their absence is not known, is viewed as the single most effective short-term strategy towards tackling pupil absence from school and as such is strongly recommended by Government on both attendance promotion and child protection grounds.

Appropriate support for pupils in school is of vital importance; irregular attendance may be one obvious indicator of disaffection. Study support, mentoring schemes and good quality careers education and guidance can significantly raise the aspirations of young people.

Adaptations to the curriculum within the framework of the National Curriculum, such as wider use of work-related learning can be particularly beneficial for engaging certain young people in learning who were previously disaffected and/or struggling to cope; it also usually results in increased motivation and a raised level of self esteem. (See 'Personal Programmes' section on page 26 for further information).

Where appropriate, the [Early Help Assessment](#) (EHA) process should be followed. See the LSCB's [Guidance on Thresholds](#) for more information.

Good Practice Expectations of Schools:

School Policies:

- Attendance policy is included within school prospectus and ongoing communications. All pupils and parents/carers given information on expectations regarding attendance and impact of poor attendance; Regular updates/reminders. NB There is a LA school attendance policy template available for schools to adapt in the EWS area of the Extranet.
- Governor with lead on attendance
- Penalty Notices used when parents/carers fail to comply with school decisions resulting in unauthorised leave of absence.
- Consistent approach with link schools
- Designated Senior Staff responsible for attendance
- Regular and protected time designated to EWO by appropriate staff
- Positive and welcoming approach to parents/carers
- School approach to diet (free fruit, no sweets or crisps or fizzy drinks) and fitness; Lunchtime activities
- Use of Breakfast Clubs and Nurture Groups
- Operation of walking bus

Registration:

- Registration procedure exists that is clear to both staff and pupils and actively monitored by senior managers
- Late registration procedure that ensures that every pupil who is late is identified and that there are consequences where appropriate
- Senior managers take action where there are problems with registers/late registration
- System of ensuring pupils remain on site unless it is agreed that they go home for lunch – consequences where rules are broken
- Lesson registration and reliable system of identifying and addressing post registration truancy
- Booking out system that is known to all pupils, staff and parents
- Procedure for receiving pupils returned by truancy sweeps

Pupil and Parent/Carer Awareness of Attendance:

- All pupils aware of their own attendance on a weekly basis – red/amber/green system, and targets they need to achieve
- All unexplained absence is followed up – automated system/first day calling, informal meetings with parents
- For ongoing concerns – early implementation of system of phone calls and letters home, including letter advising parent that regular or prolonged absence will no longer be authorised without independent medical evidence (appointment cards/medication with

prescription label and if necessary, a report from the Community Paediatrician regarding fitness for school)

- Health guidance on common conditions and advised periods of absence should be referred to as necessary
- Medical appointments out of school hours wherever possible
- Practical steps taken to help pupils catch up when they have missed school; Mentoring available; Links with appropriate outside agencies
- Rewards and incentives for individual pupils, form groups etc; Use of external bodies to provide rewards e.g. Tigers Rugby Club
- Use of display boards in areas parents/carers routinely go, with feedback on attendance; Newsletters; Attendance assemblies

Data:

- Prompt and accurate coding of 'N's, attendance at alternative provision, interviews, work experience etc and missing marks; Appropriate use of codes including the 'U' code
- Analysis of attendance data to inform practice in areas of SEN, use of alternative providers etc
- Analysis of lesson/subject attendance and actions as necessary
- Analysis of reasons for absence (Half-termly absence monitoring) and appropriate actions implemented to address identified issues
- Vulnerable Pupils level absence analysis

Leavers/New Arrivals at school (including transition phases):

- Reliable systems for gathering attendance data for new pupils particularly at transfer stage; Early implementation of school procedures to encourage good attendance particularly where there were previous concerns
- Targeting groups of pupils who have a history of poor attendance/PA
- Attendance data provided to new school before the pupils move at transition phase to allow for forward planning
- Completion of all the information in the Common Transfer File (CTF), including attendance data.

11. EWS Pastoral Referral Meetings (PRMs) with Schools

The bulk of referrals will arise via the PRM. At these meetings, the cases of all pupils presenting attendance and/or other welfare related concerns should be discussed and decisions made about appropriate intervention.

Where the involvement of the EWS is required, with the exception of requests for Penalty Notices relating to unauthorised leave of absence, a **referral form** (see Appendix A) should be completed, stating the precise nature of the concern, what action the school has already taken and any issues to be aware of, and providing details of the pupil's attendance record including recent unauthorised absence. Where there is some doubt over the categorisation of the absence and/or there are concerns of a welfare nature, referrals can still be made in order that an assessment is undertaken. (The absence should not be coded pending the outcome of the EWS assessment).

Arrangements with Secondary Schools:

All secondary schools will usually receive at least one fortnightly visit from their designated EWO for the purpose of attending the various pastoral referral meetings. These meetings

are usually with each of the year co-ordinators, key stage co-ordinators, or a single person with overall responsibility for pastoral matters. The precise arrangements for the time and length of meetings are for the school and the EWO to determine.

Arrangements with Primary Schools and Special Schools:

All primary and special schools will receive at least one pastoral referral meeting with their designated EWO every half term; these meetings usually take place with the headteacher but may take place with a nominated person who leads on attendance and who has the authority to make decisions where necessary. Schools with more significant attendance concerns have pastoral referral meetings on a more frequent basis (i.e. fortnightly, three-weekly or monthly).

PRMs are structured around a review of a threshold list of pupil attendance percentages for the academic year to date. These lists are produced by the school for each meeting and the threshold level is set at 95% and below for all primary schools and 90% and below at the secondary schools, although these levels can be changed if appropriate. All pupils who appear on the list are discussed and where necessary, appropriate intervention action is identified.

In addition to discussing individual pupil attendance concerns and determining appropriate action, the meetings will provide a regular opportunity to review the whole school attendance data. This has the purpose of comparing actual performance with any targets set, observing trends, identifying concerns and where necessary, determining and implementing strategies to address these concerns. This is intended to support and monitor attendance arrangements and examine where existing practice can be enhanced. The full use of absence data is strongly encouraged.

12. EWS Action following Referral from School

On receipt of an appropriate referral on a properly completed referral form (see Appendix A), the EWO will arrange to undertake an investigation of the situation. Initial EWS intervention will usually take the form of inviting parent(s)/carer(s) to attend a **School Attendance Panel Meeting** (SAPM) at the school. This is a joint EWS/school meeting with the family. The school member of staff present would respond to any school based concerns that are raised. Representatives from other agencies, where it is already known they have a relevant contribution to make, may also be invited to the meeting.

The meeting is usually chaired by the EWO, who will take detailed notes of the meeting, recording issues arising and actions agreed. These notes would form part of the evidence in any subsequent legal action.

The purpose of the meeting is to provide an opportunity to identify the real reasons for absence and implement appropriate strategies that will address the problem, based on a full evaluation of the circumstances. The school may also use the meeting to commence completion of an EHA. Parents/carers are also informed of their legal responsibilities for ensuring their child's attendance. At each meeting an agreement is drawn up based upon the full assessment of the situation. This agreement constitutes a 'parenting contract' and clearly identifies each party's responsibilities for resolving the presenting problem.

Where a referral relates to either a first referral for a primary age child, or there are child protection concerns (e.g. the child has not been seen in school for some time), then usually

a **home visit** by appointment will be arranged to see the young person and their parent(s)/carer(s), as opposed to inviting the parent(s)/carer(s) to attend a School Attendance Panel meeting. Other home visits would be undertaken where there is a clear purpose identified at the School Attendance Panel Meeting or PRM or, where the parent does not attend the SAPM.

Regular oral and written feedback is given to the school. Further consultation takes place to determine future action where the initial intervention is unsuccessful, or where school involvement is required in formulating the action plan from the outset. Thereafter the situation is regularly monitored and evaluated in conjunction with the school, with further intervention action taken as necessary.

Work undertaken by the EWS is taken as far as possible without undue delay, with a view to resolving the concern and securing a successful and sustained return to school as soon as possible; other agencies are involved where appropriate. Contact with families is undertaken in a sensitive and supportive way, with the best interests and welfare of the child as paramount, yet at the same time with full regard to the requirements of the law.

For pupils of secondary age, where there is irregular attendance and absence is unauthorised, and where no other professional has contact with the child to support and encourage them (ie they are not attending school), the EWO will seek to engage with them to try to bring about a positive change to attendance and also, engagement with any other services that are found to be appropriate.

If the parent is not cooperating, an EHA may be discussed and offered to the child as long as they are deemed to be competent and to have the capacity to understand, to make their own decisions about what they are being asked, the implications of what they are agreeing to etc. Children aged **12** or over may generally be expected to have sufficient understanding.

Where the parental actions agreed at the School Attendance Panel Meeting are not complied with and unauthorised absence continues, legal intervention may be instigated against the parent(s)/carer(s). This could take the form of a **Penalty Notice** being issued to each parent/carer for their child's ongoing unauthorised absence, where there has been 20 sessions of unauthorised absence in a 120 session period (12 school weeks).

The Penalty Notice consists of a fine of £60 if paid within 21 days, increasing to £120 if paid after this but within 28 days.

NB Whilst there is no right of appeal against a Penalty Notice, where parents/carers challenge the Penalty Notice with the EWS, there will inevitably be some cases where the parent/s or the EWO will need to approach the school requesting that they reconsider the decision to unauthorise the absence as would be the case where the parent had some new evidence of real significance which could lead to the school authorising the absence.

Prior to proceeding to Court, the EWS will usually issue a Final Warning letter to a parent and/or hold a **Formal Caution Interview** (FCI), held in accordance with the Police and Criminal Evidence Act (PACE) 1984. This meeting is usually held at Collegiate House and chaired by the EWO's supervising officer. The purpose of the FCI is to further investigate the circumstances of the unauthorised absence: where no further investigation is required, an FCI will not be held. Where a PN for ongoing unauthorised absence has been issued,

there is no need to issue the final letter or hold the FCI although cases are considered on a case by case basis and exceptions may be made.

Decisions to proceed to court under s444 of the Education Act are made by EWS management with guidance from Legal Services where necessary.

13. The Legal Process

Legal action will be taken where it is deemed the appropriate action to secure a young person's return to education. Whether to prosecute or issue a PN, and the precise point at which to initiate such action, are matters for the judgement of EWS managers in the light of the particular circumstances and the history of the case; only the LA can bring such prosecutions and it is the EWS who undertake this work. Preparation of all cases is undertaken by the EWS. Cases proceed in either the Magistrates' Court (prosecution of parents/carers), or the Family Proceedings Court (Education Supervision Orders).

Prosecutions under s. 444 Education Act 1996 for non-school attendance:

Such prosecutions are criminal offences and are heard in the Magistrates' Court.

Section 444(1) states:

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

Section 444 (3) states:

The child shall not be taken to have failed to attend regularly at school by reason of his (her) absence from the school -

(a) with leave,

(b) at any time he (she) was prevented from attending by reason of sickness or any unavoidable cause, or

(c) on any day exclusively set apart for religious observance by the religious body to which his (her) parents belongs.

Also if the distance to the nearest appropriate school from the child's home is over the statutory walking distance and the LA has not provided transport, this will constitute a legal defence.

It is the above circumstances that constitute authorised absence from school. (Also see section k on traveller children (page 25.)

The document used to prove the offence is the Attendance Certificate signed by the headteacher; the information to complete this is taken from the attendance register. In the case of a dual registered pupil, it will be necessary to obtain a signed Attendance Certificate from both schools unless the dual registered pupil's timetable is such that they have been expected to attend one school only during the period in question.

The Attendance Certificate will be supported by a witness statement prepared by the EWO, detailing their involvement in the case; the prosecution period start date cannot exceed 6 months from the point the information is laid with the Court; account must be taken of this when the prosecution period is set. Whilst school staff are unlikely to be required to be called as witnesses to give evidence this does occur in a small number of cases in relation to key contact that took place between the parent/carer and the school staff and/or in relation to the attendance register which is a legal document that could be called for as evidence in prosecution cases. NB inappropriate authorisation of absences may compromise subsequent court proceedings.

The stages which the EWS applies prior to bringing a case to court are not a strict legal requirement, but are regarded as good practice; failure to follow them would quite likely lead to weak cases, which could be easily dismissed in mitigation by the defence.

If a parent/carer is found guilty of the offence under s.444 (1), the maximum penalty is a fine of £1,000.

The Criminal Justice and Court Services Act 2000 introduced the more serious '**aggravated**' offence' for failing to ensure regular school attendance by adding section 444 (1) (A) to the Education Act 1996.

If, in addition to the requirements of s.444 (1), it can be demonstrated that the parent/carer knows their child is failing to attend school regularly and fails without reasonable justification to cause them to do so, they are guilty of the 'aggravated offence'. This increases the maximum penalty to a fine of up to £2,500, a community penalty or 3 months' imprisonment.

Whenever prosecution action is instigated, the EWS prepares a report for the court recommending whether or not a **Parenting Order** should also be granted. These orders arise from s.8 Crime and Disorder Act 1998. If such an order is granted, the parent is required to attend a parenting course (counselling/guidance sessions) and comply with any direction made, such as escorting a child to school each day. Breach of the order can result in further prosecution. The order can last up to 12 months.

Prior to taking such prosecution action, the Service is required by s.447 Education Act 1996 to consider if it should instead of or as well, be applying for an **Education Supervision Order** under s.36 Children Act 1989.

Applications for Education Supervision Orders are made in the Family Proceedings Court and are not criminal proceedings. The effect of obtaining such an order is that a supervising officer is appointed, who must then advise, assist and befriend the child and their parent(s)/carer(s), and give directions where necessary, to ensure the child is properly educated. Such an order initially lasts for 12 months, but can be extended for up to 3 years. The order ceases to have effect once the child has reached compulsory school-leaving age and cannot apply if a child is subject to a care order.

Ultimately, if the directions are not complied with and this is due to the child's non-compliance, the matter can be referred to Social Services for them to undertake an enquiry of the child's circumstances as required by s.47 Children Act 1989. If it is the parent(s)/carer(s) who are not complying, then the matter is brought before the Magistrates' Court and they may be found guilty of an offence (similar in effect to a s.444 prosecution).

Prosecutions under s. 437- 443 Education Act 1996 - School Attendance Order

School Attendance Orders (SAOs) are served on a parent/carer whose child is of compulsory school age, but is not registered at any school and the parent has failed to prove that the child is receiving a suitable education otherwise than at school, as is permitted under s.7 Education Act 1996.

Such orders, by their nature, do not really involve schools in any significant way; other than a school would have to be consulted and then named in the order as the school to which the child is directed to attend. Failure of parents/carers to comply with such an order is a criminal offence and such cases are heard in the Magistrates' Court; the possible disposal is similar to a s.444 prosecution.

A flowchart of the legal work process followed by the EWS is available at Appendix I.

14. Other Specific Areas of Guidance

(a) Children Missing Education (CME)

Section 175 of the Education Act 2002 places a duty on schools to safeguard and promote the welfare of all their pupils. Section 11 of the Children's Act 2004 places a similar duty on Children's Services and other statutory agencies who work with children and young people.

The Education and Inspections Act 2006 adds section 436A to the Education Act 1996 which requires all Local Authorities to make arrangements to enable them to establish (so far as it is possible to do so) the identities of children residing in their area who are not receiving a suitable education.

CME is widely regarded as a term that covers both children who are not on school rolls and not receiving a suitable education otherwise than at school, and children on rolls but with poor attendance. The operational arrangements for CME are detailed in a separate LA guidance document which is available on the Extranet; [LA and Maintained Schools Protocol on the Management of Children Missing Education \(December 2016\)](#).

NB Where a pupil on roll is not being seen in school, a risk assessment should be carried out by the school to inform the decision about the appropriate action that should be taken to ensure the pupil's safety. The EWS *Policy and Practice Guide for Schools on Absent Pupils and Safe and Well Checks* guidance incorporates a risk assessment and comprehensive guidance on this topic. The guidance is available to schools as a hard copy from their EWO and is also available on the Extranet.

(b) Holiday/Leave of Absence Requests

It is the Head teacher who determines whether or not the absence is authorised. NB The Education (Pupil Registration) (England) (Amendment) Regulations 2013 (Statutory Instrument No 756) amends regulation 7 of The Education (Pupil Registration) (England)

Regulations 2006 to the effect that Head teachers are prohibited from granting leave of absence except where an application has been made in advance and they consider there are exceptional circumstances relating to the application.

It is important that all school staff are aware of the school process and that if a parent/carer approaches them about a potential period of leave, that they should refer them to the school procedure and avoid giving any indication to the parent about whether the request is likely to be agreed or not as this can significantly confuse matters.

Whenever a request has been submitted to a school, the headteacher should inform the parent(s)/carer(s) in writing of their decision to approve or decline the request, specifying dates and consequences where appropriate. Where the request has been declined by the school, the headteacher should explain the reason for declining the request, stating that, should the leave still be taken, any absences would be unauthorised by the school, and informing the parent(s)/carer(s) that this could result in the EWS issuing a Penalty Notice to each parent/carer or, in the case being taken directly to the Magistrates' Court.

Any absences due to an unauthorised period of leave should be coded as 'G'. (Authorised leave of absence for trips or holidays should be coded as 'H'.) If a period of leave is taken without approval, or for longer than granted, it is recommended that the headteacher requests the EWS to issue a Penalty Notice on each parent in respect of each child involved.

(c) Penalty Notices in Respect of Unauthorised Leave of Absence/Holidays

These are issued by the EWS on receipt of completed 'PN1' (dated) and 'EWS6 PN' (undated) forms (see Appendices C and D) from the school (per parent, per child). It is important that any supporting documentation such as letters either sent or received by the school in relation to the holiday request are attached. It is both good practice and extremely helpful in court if the school puts in writing to the parent(s)/carer(s) the basis for any decision NOT to agree to some or all of a holiday request.

A Penalty Notice is a fine of £60 per parent/carer per child if paid within 21 days, rising to £120 if paid after then but within 28 days. Where payment is not received after this time, the matter of unauthorised absence will be taken to court. The EWO will inform the school when a Penalty Notice has been issued and keep them updated with any progress.

NB Whilst there is no right of appeal against a Penalty Notice, where parents/carers challenge the Penalty Notice with the EWS, there will inevitably be some cases where the parent/s or the EWO will need to approach the school requesting that they reconsider the decision to unauthorise the absence as would be the case where the parent had some new evidence of real significance which could lead to the school authorising the absence.

(Please see Appendix B for more detailed information on PNs.)

(d) Pregnant Schoolgirls / School Age Parents

Where a school receives notification that a pupil is pregnant, the matter should be reported to the EWO if there are attendance concerns. The EWO will then contact the young person/family to establish the expected date of confinement and support the pupil to access

their education. Regular meetings should be held in school to review the provision and support available. The pupil should continue to access their education at their school, unless they are deemed medically unfit to attend school. In this case, the EWO will inform the Children's Hospital School (CHS) of the situation and the CHS will arrange appropriate educational provision.

A period of no longer than 18 weeks maternity leave (authorised absence, code 'C') can be granted to the pupil, although the pupil should be supported to return to school sooner, once she is deemed medically fit to return, to reduce the impact on her educational studies. The usual procedure is for her to return to her previous school to continue her studies, or to other agreed alternative provision where a return to school is not practicable. Following the reintegration, the young parent should be offered continued support through regular contact and meetings in school, to enable them to take full advantage of their education and fulfil their potential.

(e) Pupils who are Anxious about Attending School (i.e. School Phobic)

Where a child appears to be anxious about attending school, it may be appropriate to carry out an assessment of any issues relating to school induced anxiety and a programme of work then agreed to support the young person returning to regular school attendance. The EWS undertakes this assessment work in conjunction with the Children's Hospital School, CAMHS, the City Psychology Service and Special Education Services where necessary. Where a referral to the Children's Hospital school is considered appropriate by a medical professional (ie a Consultant), all referrals are considered at the Ill Children's Education Panel.

(f) Pupils who are Medically Unfit to Attend School

Where a school is informed that a pupil is medically unfit to attend school and the absence will most likely exceed 15 school days, the matter should be referred to the EWS, who will then seek to obtain medical confirmation that the young person is medically unfit to attend school, where this is not already available. Once medical confirmation is obtained, a referral is made to the Children's Hospital School (CHS) via the Ill Children's Education Panel in order that tuition can be made available to the pupil. (Where a hospital has already obtained parental consent and engaged the CHS, a referral to the EWO will not usually be necessary.) The education provision will take place at either the CHS facilities or at the child's home as appropriate. The CHS will liaise directly with the school in order that appropriate provision can be made.

The school should keep the pupil on their roll throughout the period they are accessing education through the CHS, coding them as accessing education through a dual registration arrangement (dual registration (main) enrolment status and code 'D' in the attendance register) while they are scheduled to attend the provision (irrespective of whether they attend or not). Absences from the CHS should also be coded in the CHS register. Effective communication needs to be maintained with the CHS to enable effective planning for the pupil's education and their return to school when appropriate.

Where the absence is not expected to exceed 15 school days, other than for very short-term absences, schools are normally expected to provide work to be undertaken at home,

subject to the child being well enough to cope with study. (Also, see section (n) on use of the B code.)

(g) Children in Care

The education of children in care is a key focus for the Virtual School Team. The EWS share their aims to support all children in care to access their educational provision and to achieve their true potential.

The implementation of Attendance Panel Meetings in schools provides a highly effective forum to address non-attendance; therefore it should be considered in relation to children in care whose attendance is a cause for concern. (Where a child is placed with an LA foster carer, there is a parallel Panel process which formalises the concerns.) NB There are more looked after children now placed with their parents or via private foster care agreements and in these cases, parents/carers are liable to prosecution for failure to ensure regular attendance, therefore each case needs to be individually assessed as to whether this would be appropriate.

(h) Young Carers

The EWS works closely with Barnardos Care Free project to support this group of young people in accessing their education. The impact that their caring role has on young carers should not be underestimated and appropriate assessment is required to ensure young carers are receiving the appropriate support and if necessary, that adult services are involved.

(i) Time at Which Registers Should be Taken and the Recommended Period They Should be Left Open

The attendance register must be taken twice per day, once at the start of the morning session and at some point during the afternoon session; the timing of the afternoon registration is for each school to determine. Whilst the precise time for the register to remain open is not stated, the DfE have advised that: *Schools should have a policy on how long registers should be kept open; this should be for a reasonable length of time but not that registers are to be kept open for the whole session. A pupil arriving after the register has closed should be marked absent with code U, or with another absence code if that is more appropriate.*

Any pupil who arrives at school after the register has closed without a suitable reason should be coded 'U', which is an unauthorised absence. In this way, intervention can be undertaken by EWS to address consistent lateness, where appropriate. There is one exception to the above: pupils who are in alternative provision who attend but who have arrived late cannot be coded as 'L' in the school register as it would appear that they were on site. In this case, a 'B' code would be used with a record maintained of late arrival to inform intervention re any ongoing lateness.

(j) Medical / Dental Appointments

Where a pupil has a medical / dental appointment which results in them missing registration, their absence should be coded as 'M' (authorised absence). Clearly, this will adversely impact on attendance figures and therefore appointments should, where possible, be arranged outside of school hours, or where that is not possible, towards the end of a morning or afternoon session.

(Note: Medical appointments should not ordinarily result in the whole day or even the whole session being missed).

(k) Travellers' Children

Travellers' children can be dually registered at more than one school. The school the child normally attends when not travelling is regarded as the 'base school' (provided the pupil has attended there in the last 18 months) and this school must keep a place open for traveller pupils whilst they are away travelling. If the child is receiving education at another school during such periods, the guidance on dual registration (page 12) applies.

Travellers' children can be deleted from the roll of other schools if they are not currently attending that school (although not for absences due to such as illness). Where the parents have requested leave for travelling purposes and this has been authorised by the school, the register should be marked as authorised absence ('T' code). Code T only applies where the parent is of no fixed abode and they are travelling for business purposes as otherwise, children are required to attend school regularly as all other children. Travellers' children who are only registered at one school can be deleted from roll in the same way as other such pupils and in accordance with the registration regulations.

Section 444 (6) Education Act 1996 states that traveller pupils are required to attend at least 200 out of a possible 380 sessions per school year - this is the case where the family is travelling for business purposes for the sessions the child absent from education provision. A Traveller Pupil tracking form to support schools in their work to maximise pupil attendance is available in the [School Attendance Policy](#) template.

(l) Police Power to Remove Truants (s.16 Crime and Disorder Act 1998)

Under a Police Operational Order, the police have the power to remove children who are truanting from the street or other public places; this includes shops etc. that are open to the public. Police Officers have the power to remove truants and to take them to a place of safety (which will normally be their school) during school hours. Schools should have procedures in place to receive any pupils who are returned to school as part of a joint EWS/police patrol or as part of an ongoing police operation.

The legislation does not make truancy a criminal offence in respect of the child; the legal responsibility remains with the parents/carers.

(m) Examination Preparation Time (Formerly Known as 'Study Leave')

The LA Pupil Attendance Strategy Group commissioned a piece of work to examine the advantages and shortcomings of the traditional study leave arrangements, which involved consultation with all secondary schools and reference to DfE research material. The conclusion of this was the following recommendation, endorsed by the LA Strategy Group:

'Pupils are generally not able to fully benefit from unsupervised examination preparation and as such their achievement is often impaired. As such, schools are recommended to cease granting blanket study leave to year 11 students. No time off should be granted during HT5 and that during HT6, study support tuition should be provided in each subject up to the sitting of the examination. This is known as examination preparation time.'

(n) Personal Study Programmes

It is recommended that all schools have a single central tracking folder which details all current arrangements for children on roll who have one or more sessions of provision out of school each week, including any children on a part-time timetable or on a managed move. The folder should include details of the arrangements and reviews.

From September 2011, all LAs must comply with the provisions of Section 3 of the Children, Schools and Families Act 2010 which extends the duty in section 19 of the Education Act 1996 so that all LAs are under a duty to arrange **full-time education for all children who, for reasons which relate to illness, exclusion or otherwise**, would not receive suitable education unless arrangements are made for them. (Previously, this duty related only to permanently excluded children.) The exception to this duty is where reasons that relate to a medical condition mean that this would not be in their best interests. Educational provision consists of a legal entitlement to 10 sessions per week and the widely accepted definition of full-time is as follows:

- key stage 1 – 21 hours
- key stage 2 – 23.5 hours
- key stage 3 – 24 hours and
- key stage 4 – 25 hours

If a pupil, for whatever reason, is not able to access this entitlement in school, then it must be clearly recorded as a personal programme.

Where a pupil is showing signs of disaffection or it is recognised that the traditional classroom-based curriculum does not necessarily meet their needs, the use of alternative provision can secure their engagement and support them to reach their potential. Further information about the range of Alternative Provision available in Leicester may be obtained from VESA or the SBSS.

Where this is deemed appropriate, a Personal Study Programme Agreement (see Appendix F) should be drawn up in writing and agreed by the pupil, parent(s)/carer(s), school and any external providers. The agreement should clearly state the conditions and expectations of the personal programme, including review arrangements and the course of action to be followed should the agreement break down.

For all pupils accessing education at another location other than the school, the school retains a 'duty of care' towards them. This includes dual and non-dual registered pupils. Where sessions are provided at off-site alternative provision, (provision other than at the PRU/CHS or a special school), attendance at that provision is 'B' coded in the register, and as such the school must ensure that they are appropriately supervised and properly accessing their provision. **If the pupil is not attending their provision, their absence should be coded with the relevant absence code** in the school register, and followed up appropriately.

Where a pupil has time at home allocated within their 10 session entitlement (which can only be as a result of a medical condition meaning that attendance at provision would not be in their best interests), and is not receiving direct supervision from the school, this must be in agreement with the parent(s)/carer(s) and must be coded as an authorised absence ('C' code). Responsibility for the pupil during those periods then lies with the parent(s)/carer(s).

The DfE guidance on attendance is clear in that 'Education Off-site' sessions are not intended for a pupil just at home on a part-time timetable supervised by their parent. Any alternative provision must comply with: [DfE Alternative Provision – Statutory Guidance for Local Authorities \(updated in 2016\)](#).

With regards to **electronic and distance learning**, this is often unsupervised and may take place outside the school day and therefore does not meet the regulatory requirements for being recorded as approved educational activity. Schools should be confident that the environment in which the pupil is completing the work is appropriate before they make any such arrangements. Where such sessions take place in the home, again, a 'C' code should be used in the pupil's register.

Exceptional Use of "B" Code – on medical grounds and where a teacher is attending the pupils home.

There is one exception to the above position regarding the coding of pupils who are working at home during one or more session each week:

1. where a pupil is working at home in line with professional medical advice (under the Children's Hospital School or any other school), and
2. where a member of school staff is present for the whole of the specified duration of the session, and
3. there is a signed agreement between the school and the parents/carers.

Provided the above bullet points 1 -3 are met, that session may be 'B' coded. Schools are advised to use the template in Appendix G to record this type of arrangement; the template has been prepared in line with legal advice and also, advice on risk and health and safety. Point 3 is essential – a "B" code places responsibility for the pupil with the School. The Agreement seeks to make clear that responsibility remains with the parent/carers for the duration of the session which will most likely be shorter than a school session. The effect is to seek to ensure all risk remains with the parent/carers and to clarify that it is the parents/carers who are responsible for the pupil outside the session itself.

The overriding principles for a personal study programme are that they are safe, educationally appropriate and in the best interests of the young person. Such arrangements need to be appropriately monitored and reviewed. **In an inspection**, any agreement that

involves a child working at home for 1 or more session a week is likely to be considered in accordance with the following:

- Inspectors are required to take account of case studies; we recommend that this should be evidenced by way of a file with the key documents about the child's medical condition (letter from consultant/GP, factors considered before the Agreement is commenced (Appendix H) etc) detailing the medical condition and that the child is not well enough to go to school for a period of time. If the child has an education and care plan, it is likely that there will be reference to any on-going condition in the plan and this should also be available in the file.
- There should be evidence of continuity of learning; the learning in the home should enable the child to move back into school limiting the loss of education i.e. the learning should assist the child to keep up (as far as possible) with peers, enabling them to achieve.
- It is essential to include any signed documentation regarding the arrangement between school/parents (completed Agreement (Appendix G))
- Should an inspector learn of a number of 'B' coded children working at home where the above was not evident, this would cause concern and has the potential to result in an adverse Ofsted report.

Part-time timetables are quite different to personal programmes in that by their nature they are not 10 sessions of education per week. They relate to such as pupils who are not presently medically able to cope with 10 sessions of educational input per week (for either physical or mental health related reasons). Any such session that is not part of a programme of education should be coded as authorised absence ('C' or 'I' code). Again, use of a "B" code in this situation has the potential to impact adversely in an Ofsted report.

Wherever pupils are working at home **with a member of school staff** during 1 or more session a week (which should only routinely occur due to a medical condition), there are certain risks and other matters that the school must first consider prior to entering into the agreements:

Child related factors

- Are there any individual needs of the pupil to access materials and if so, what are the arrangements for this to happen?
- Are there any known psychological/behavioural issues? Does the member of staff know how to respond if the child runs off during the lesson, do they know the signs of self-harm and do they know how to respond?
- E-safety – is the staff member aware of risks to children who use the internet, facebook etc and do they know how to respond should they identify an issue whilst working with a child?
- All endeavours must be made to ensure the child complies with instructions in order to ensure their wellbeing and that appropriate progress is made.

Environment related factors

- Smoking in the home – are staff members aware that they should not work with the child if someone is smoking? The agreement should specify this.
- Does the home provide a suitable environment for learning?

- Likelihood of false allegation – school should consider the known family history and risk assess as to a Teacher’s attendance at the pupil’s home.
- Where the school has access, they should have checked the Cautionary Contacts Database for any information held regarding previous incidents at the home that have risked the health and safety of workers and this should be considered in any agreement that is drawn up.

Both child and environment related factors

- The school must have a ‘Lone Working Policy’ that can be applied to the provision of tuition in the home and staff must be familiar with it.
- The Policy must conform to the same standards of safer working practice for adults who work with children in educational settings and also refer to the school’s Code of Conduct.
- A responsible adult must be present in the home throughout the period of tuition.

NB Primary responsibility for the child’s safety and welfare remains with the parent/carer for the duration of the session and the agreement should specify this and also that:

- Responsibility for the administration of any medication remains with the parent where a medical condition exists
- Environment should be conducive to learning (ie no tv, radio etc)
- Other household members/visitors/pets shouldn’t create any distraction for the child
- If at any point, any of the above are compromised and the parent refuses to make any necessary changes, the school should withdraw from the agreement and put in writing to the parent what the requirements are and when provision will recommence.

(See section (f) for information about pupils who are unable to attend school/alternative provision due to illness for 15 school days or more.

NB: The above bullet points could usefully be incorporated into a check list of actions considered by the School before the personal programme is commenced and form part of the documentary evidence kept within a student’s file for inspection purposes. (See Appendix H.)

(o) Exclusions

Where a pupil’s behaviour is a cause for concern, additional support should be offered in an attempt to keep the pupil in school and able to access their education. This usually takes the form of Pastoral Support Plan meetings in school. Where these avenues have been exhausted and the pupil is excluded from school for a fixed term, they should be coded as ‘E’ (authorised absence) for the first 5 days, unless alternative provision is secured within this time. Schools have a duty under the Education and Inspections Act 2006 to provide suitable education that is supervised to any pupil from the sixth day of their exclusion onwards. This may be through a reciprocal agreement with another school.

When a pupil is accessing the alternative provision, where they are not dual registered, they should be coded ‘B’ (approved educational activity) and any absences from the alternative

provision should be recorded using the appropriate absence code. Where they are dual registered, all sessions at the other provision should be 'D' coded in the main school from which they are excluded. (See pages 12 for further information regarding dual registration and guest pupil status.)

The Education and Inspections Act 2006 (s.103) places a responsibility upon parents to ensure that their child is not present in a public place during school hours during the first 5 days of their exclusion; failure to do so constitutes an offence. Under s.105 Education and Inspections Act 2006 parents can be issued a Penalty Notice where it is believed they have committed this offence. The headteacher can request that the EWS issues a Penalty Notice to each parent by completing the form 'EXCPN1' and attaching relevant documentation (see Appendix E).

In cases where incidents have occurred of a serious nature which lead to a decision on the part of the headteacher that the pupil must attend alternative provision, in the event that the pupil's parent/s disagree with the decision, should dialogue fail to bring about a resolution, under section 29(3) of the Education Act 2002, the governing body may require pupils to attend at any place outside the school premises for the purposes of receiving education.

The full DfE guidance on exclusions is available in [Exclusions from Maintained Schools, Academies and Pupil Referral Units in England \(updated in 2015\)](#).

(g) Alcohol and Drugs Policy

The DfE and Department of Health have identified young people that truant from school as having an increased risk of developing substance misuse problems. For children and young people, substance misuse can impact on their education, their relationships with family and friends and prevent them from reaching their full potential.

The EWS recognises the increased risk of developing substance misuse issues for truanting young people and will actively screen young people formally coming into the service at both referral and School Attendance Panel Meetings. Any young person identified through this screening as having substance misuse issues, including substance misuse by others in the home (in line with the Hidden Harm agenda), will be referred to both the designated person(s) in school and for a specialist substance misuse assessment.

(g) Parenting Work / Parenting Contracts

There are a range of parenting courses delivered in the city and also different sources of advice for parents/carers: advice is available as part of EWS casework. Parenting course sessions cover aspects of parenting including understanding children, listening skills, developing strategies for managing behaviour and coping mechanisms. Access to these courses can be voluntary or as the result of a court order following prosecution for non-school attendance.

Parenting Contracts (Education and Inspections Act 2006) can be used to secure parents/carers engagement in ensuring their child attends school regularly. Such contracts utilised within the EWS usually take the form of School Attendance Panel Meeting agreements.

Further information is available in the [DfE Guidance on Parental Responsibility Measures](#).

(r) Education Otherwise by Parents

Parents have a legal right (s.7 Education Act 1996) to choose to educate their children other than by attendance at school. If a parent decides that they want to withdraw their child from school to be educated otherwise, they must state their intention in writing to the headteacher of the school. When a headteacher receives this notification, they must refer the matter to their designated EWO, who will seek to visit the parent(s) to discuss their intention and plans, the implications of educating otherwise and the LA procedures. For non-statemented pupils, the pupil should be removed from the school roll in accordance with Regulation 8 (1) (d) of the Education (Pupil Registration) (England) Regulations 2006.

Where a child has a statement of special educational needs, the Special Education Service should be informed immediately. Where the child attends a special school, they cannot be removed from roll without authorisation from the LA, who will need to ensure appropriate provision is in place to meet the child's SEN and who will also need to amend the child's statement accordingly.

The EWS will inform the LA Education Advisor about newly identified home educated children and the Advisor then seeks to arrange to meet the family to consider the education and offer guidance and advice. Where the education provision is deemed to be unsuitable, and this issue is not resolved, the EWS will be notified and the parent will be required to return their child to school.

Whereas there is no duty on the part of the LA to monitor the quality of home education, the LA does have a duty to take action where it appears that a child is not receiving a suitable education. Failure on a parent's part to return a child to school when the view of the LA is that the child is missing from education will result in the EWS commencing School Attendance Order proceedings (see page 21).

Further information including the [LA's Policy on Home Education](#) is available on the City Council's website.

(s) Child Employment and Performance Licensing

Any young person of compulsory school age who is employed must have a licence issued by the City Council, in accordance with local byelaws. Such licences are not intended to stop young people from working, but instead protect young people from being exploited, or from damaging their health, well-being or education while they are at work. The licence specifies the tasks, hours, days and location relating to the young person's work.

Employment licences are dealt with by the EWS and will be issued provided that it is legal for the young person to undertake the work and the young person's well-being and education will not suffer. The young person's employer should request a licence from the EWS within no later than a week of the young person starting employment; agreement is sought from the young person's parent(s)/carer(s) and school. Licences should be available for inspection at any time, and will be withdrawn if the employment is illegal or damaging the young person's health, well-being or education.

Licences are also required for young people who model, or for those who are involved in performances that are not considered ordinary. Children involved in performances must have a registered chaperone, and their involvement in performances is limited to specified

times and durations. The performance producer should request a licence from the EWS with regard to young people, and copies of the licence issued will be sent to the producer, the child's parent(s)/carer(s) and the child's school where relevant. The producer must ensure that educational provision is made where appropriate.

Absences from school due to performances can only be authorised by the headteacher; absences for unlicensed performances cannot be authorised.

(t) EWS Support for Transition Between Phases

- Where EWOs have open cases, or have worked with pupils up to the point of transition, they will establish which school the pupil is transferring to and inform the new school's designated EWO to monitor their transition carefully and take early action where appropriate
- Designated EWOs will discuss identified cases with the new school with a view to taking early action should attendance continue to be poor

(u) Advice and/or Training for Schools

Where it is considered desirable for training to be given to school staff on attendance matters, the EWS is able to offer such training. It may be to explain legal aspects in more detail, or to assist the school in reviewing in-school procedures on the management of attendance. The EWS can also offer assistance in the publication of attendance policies, home-school agreements and/or guides for parents.

(v) Advice for Schools on Absent Parents With Parental Responsibility

Advice from the DfE is that everyone who is a parent (whether they are a resident or non-resident parent) has a right to participate in decisions about a child's education and receive information about the child (even though for day to day purposes, the school's main contact is likely to be a parent with whom the child lives on school days). School staff must treat all parents equally, unless there is a court order limiting an individual's exercise of parental responsibility. Individuals who have parental responsibility for, or care of a child have the same rights as natural parents, for example:

- to receive information ,e.g. pupil reports
- to participate in school activities, e.g. to vote in elections for parent governors
- to be asked to give consent to school trips
- to be informed of school meetings involving the child e.g. governors meetings on the child's exclusion.

Legal advice from the City Council is that, where schools need parental consent for outings and other activities, headteachers should seek consent from the resident parent unless the decision is likely to have a long and significant impact on the child or the non-resident parent has requested to be asked for consent in all such cases.

In cases where the school considers it necessary to seek consent from both parents where one gives consent and the other withholds it, it is best to assume that parental consent has

not been given. Such an approach safeguards the position of the school, ensuring it is not exposed to any potential civil liability, for example, the child is injured while on a school trip.

In the case of a parental request for a period of leave of absence, or a child being withdrawn for the purposes of home education (by the resident parent), it is advisable to notify the absent parent unless there is a court order in place prohibiting the school from contacting the other parent or, if the parent has lost parental responsibility. In cases where the school understands there is an absent parent with parental responsibility but where this parent is not on the child's contact list and has no contact with the school and would appear to play no part in the child's life, the school would not be expected to contact/notify them about trips, holidays, home education decisions etc.

(w) Pupil Review Days

Pupil review days are referred to in *Absence and Attendance Codes: Guidance for Schools and Local Authorities* (2009). The guidance provided on the use of the 'B' code for relevant sessions is as follows: *'Schools should not use this code to record pupil review days if pupils are simply sent home with home work and private study. Like study leave it is unsupervised and usually treated as an extra holiday by pupils. It therefore would not meet the legal definition of approved educational activity. The code can be used where schools arranged supervised, off-site educational activities to replace the normal lessons whilst review interviews are held.'*

Schools should be aware that there is an issue regarding the provision of the 190 school days should pupils attend for a short time and then be sent home with a work pack. If, however, the academic review is organised around a revised timetable, or so that pupils continue their lessons (and leave the lessons for the period of the meeting), then the advice is that the school is open to all pupils, and the sessions affected can count towards the requirement to open for 190 days. The attendance register should then be marked as normal.

EDUCATION WELFARE SERVICE PENALTY NOTICE GUIDANCE for SCHOOLS

The Local Authority is empowered by the Anti-social Behaviour Act 2003 to issue Penalty Notices (PNs) in relation to pupils' unauthorised absence (u/a) from school. The fine is £60 per parent/carer per child if paid within 21 days of issue, increasing to £120 if paid between 21 - 28 days. Any Penalty Notice not paid within 28 days will result in the matter being taken to court unless subsequent information leads to the PN being withdrawn.

In recognition of the impact that absence has on attainment, the Government made legislative changes: The Education (Pupil Registration) (England) (Amendment) Regulations 2013 came into force on 1st September 2013. From this date, the law which stated that Head Teachers were able (at their discretion) to agree to up to 10 days of absence was amended to state that schools should not authorise leave of absence unless:

- An application has been made in advance by the parent with whom the child normally resides and
- The Head teacher considers that there are exceptional circumstances relating to the application

The Isle of Wight Council v Platt case considered by the Supreme Court makes it clear that regular attendance shall mean attendance in accordance with the school rules and therefore any non-attendance which is not in accordance with the school rules will be deemed unauthorised and it would therefore be appropriate to issue a PN.

School letters and policies (including web based information) about u/a should refer to the fact that that a PN or a prosecution in the Magistrates' Court could ensue as some cases are too concerning to issue a PN and enforcement action will be appropriate; it is therefore necessary to avoid giving the impression that a PN is the only possible consequence of u/a.

All references to holidays in this guidance relate to leave of absence.

PNs can be issued in accordance with the LA Code of Conduct as follows:

- PNs in respect of holidays/leave of absence not authorised by a school (code 'G')
- PNs in respect of a pupil who has been surveyed on two separate truancy patrols where the absences are not authorised
- PNs in respect of ongoing u/a (minimum of 20 u/a over a 12 week period).

Schools may request PNs in relation to unauthorised holidays, but schools do not request PNs issued in relation to truancy patrols and ongoing absence – the decision to issue these will be made by the EWO in agreement with their supervising officer and in consultation with the school where appropriate. Prior to the issue of any PNs in relation to on-going u/a, there would have been a School Attendance Panel meeting at the school organised by the EWS.

In the regular pastoral referral meetings, the EWO will inform the school that a PN has been issued and either, that it has been paid or, if not paid, regarding any subsequent court action.

PNs in relation to unauthorised holidays/leave of absence

These are issued by the EWS on receipt of completed 'PN1' (dated) and 'EWS6 PN' (dated) forms from schools. (These forms are available electronically from your EWO, if required.) It is important that any letters either sent or received by the school in relation to the holiday request are attached to the 'PN 1' and 'EWS6 PN' forms. **Paperwork should be submitted within 3 school weeks on the child/ren's return to school from holiday/leave of absence.** It is essential for any subsequent court case that the school (without delay) puts in writing to the parent/carer the basis for any decision NOT to agree to some or all of a holiday request and that a copy of this letter is forwarded with the PN request.

It is advisable that all members of school staff give a standard agreed response to any parent who raises the issue of leave/holiday outside of the school's process ie by referring to the process and avoiding giving a view on whether or not it is likely to be agreed.

To satisfy **rules of evidence** in any subsequent prosecution should the PN not be paid within 28 days:

- The parent's full name is required on the forms as PNs can only be issued in the parent's full name. (If this information is not known, your EWO **may** be able to obtain the missing information from council records.)
- Separate forms are required for each parent/carer and for each child.
- Copies of letters sent to parents detailing why all or part of a holiday/extended leave request has been refused should be attached to the PN request.
- The PN, forms 'PN 1' and 'EWS6 PN' and other supporting documentation in relation to the holiday will form part of evidence that is presented to the court.

Note:

- A PN is **unlikely** to be issued for a year 11 pupil after Easter; they will effectively have left school by the time the case is in court should the Penalty Notice not be paid and the case would not be deemed to be in the public interest.
- The period of time on the EWS6 PN should cover each week during which there has been u/a in relation to the holiday and also any authorised absence in relation to the holiday as this form will also be used in evidence in court to demonstrate the overall absence should the PN remain unpaid.
- The minimum number of days of unauthorised holiday for a PN to be issued is generally set at 4 days. This is because any subsequent court action has to demonstrate it is in the public interest. For example, it is unlikely that a PN would be issued for an excellent attender who has 4 or less days of u/a in relation to a holiday, for if unpaid, it is unlikely that any subsequent court action would be deemed to be in the public interest. (See * below.) Where a pupil has 4 or more days of u/a relating to a holiday, on receipt of the completed documentation, a PN will be issued, providing the request for the PN is submitted without delay and always within a month of the pupil's return to school.

*If a pupil fails to return to school on the agreed return date and misses less than 5 days (thus preventing the school from requesting a PN), exceptions may be made to the 4 day rule if this has happened before and if the school has written to the parent to point this out to

them. A copy of the letter could then be used in any subsequent prosecution to justify the action to the Magistrates. There may also be other exceptions to the 4 day rule where the u/a has had a significant impact on the child's education, for example, they miss exams.

On-going unauthorised absence which also incorporates an unauthorised holiday

Where a pupil has ongoing u/a and also has an unauthorised holiday, a PN can be issued in relation to the holiday with the usual Attendance Panel Interview process being followed in relation to the other u/a. Alternatively, the unauthorised holiday could form part of the evidence as part of any subsequent prosecution in relation to the ongoing u/a. However, if it appears likely that a prosecution will ensue for the ongoing u/a, the whole period should be addressed via a PN or a prosecution.

In order to minimise the possibility that a family will go away for an agreed period of time and then contact the school to say they are not able to return until a later date, it is advisable to state when the holiday is first requested that a condition of agreeing to the holiday is the parent/s bringing the tickets in to school for the appropriate member of staff to see. In the event that the parent later states that return was delayed due to what could amount to unavoidable cause, further evidence of ticket changes should be requested to inform the decision on the appropriate action.

There are leaflets in different languages about PNs in the EWS area of the Extranet that schools may like to use. If further information is required on PNs, schoc this with their EWO.



YOUNG PEOPLE'S SERVICES

Leicester City Council

REQUEST BY PRINCIPAL/HEADTEACHER FOR EDUCATION WELFARE SERVICE TO ISSUE A PENALTY NOTICE UNDER s.23(I) Anti-social Behaviour Act 2003 and Sections 444A and 444B Education Act 1996, in respect of unauthorised holiday.

PLEASE COMPLETE IN BLOCK CAPITALS

SCHOOL:		
Pupil's Name		Date of Birth
Address:		
Full Name of Parent to be issued with Notice (Please complete one form per parent.)	Date of Birth (if known)	
Address:		
REASON		Please indicate by Ticking appropriate box
1.	Leave of absence being taken during the period..... to..... without being requested. (Please provide copy of school letter/s and any letter from parent.)	
2.	Leave of absence being taken during the period..... to despite permission being refused. (Please provide copy of school letter/s and any letter from parent.)	
3.	Consent for leave between and given. Failed to return on agreed date. (Please provide copy of school letter/s and any letter from parent.)	
4.	Destination (if not known please state why):	
5.	Source of Information and relevant details regarding period of absence – NB if 3 rd party information, ensure letter is sent to family confirming what is understood about the leave. <u>(Letter likely to be used in Court as evidence if PN unpaid).</u>	
An Attendance Certificate, which includes this period of unauthorised absence, duly certified, is attached, together with application for leave of absence request and correspondence from school to parent, where applicable		

HEAD TEACHER'S / PRINCIPAL'S DECLARATION

.....(PRINT NAME) declares that, as the maker of this statement that he/she believes it to be true and understands that it may be placed before a Court.

Head teacher/Principal's signature..... Dated:

Note: The provision of Regulation 7 of the Education (Pupil Registration) Regulations 2006 prohibits the Proprietor of a maintained school granting leave of absence except where an application has been made in advance and the Proprietor considers there are exceptional circumstances relating to the application (enacted 1st September 2013).



REQUEST BY PRINCIPAL/HEADTEACHER FOR EDUCATION WELFARE SERVICE TO ISSUE A **PENALTY NOTICE** UNDER S.105 Education and Inspections Act 2006, in respect of Fixed Term or Permanent Excluded Pupils being in a public place during school hours without reasonable justification, during the first 5 days of their exclusion.

PLEASE COMPLETE IN BLOCK CAPITALS - (Please complete one form per parent.)

SCHOOL:			
Pupil's Name			
Date of Birth			
Address:			
Full Name of Parent to be issued with Notice		Date of Birth (if known)	
Address:			
REASON (Please complete appropriate Section)			
1.	Fixed Term Exclusion during the period to		
2.	Permanently Excluded from		
An Attendance Certificate, which includes this period of exclusion, duly certified, is attached, together with correspondence from school to parent, informing them of the exclusion and their responsibility to ensure their child is not allowed out in a public place during the first 5 days of exclusion.			

Place Young Person Seen:

Date and Time:

Names(s) of School staff observing the incident:

.....
.....

NOTE:

- Detailed record needs to be retained of the incident in case the matter proceeds to court and a court witness statement is required.
- Requests for the issue of a Penalty Notice should be made within one week of the incident.

DECLARATION

.....(PRINT NAME) declares that , as the maker of this statement that he/she believes it to be true and understands that it may be placed before a Court.

Headteacher's signature..... Print name

Dated:

Name of School/College

Personal Study Programme Agreement

Alternative provision (out of school) for 1 or more session each week

Student:

Form/Tutor Group:

School / College recognises that the traditional classroom-based curriculum does not necessarily suit the needs of all students.

Therefore the following timetable (attached) has been prepared to meet the specific identified learning needs of the student. The timetable fulfils the standard 10 sessions of the school week with an appropriate combination of school-based learning and alternative curriculum provision.

The personal study programme may mean that the student will not be entered for as many external examinations as may have been possible if he/she were to continue with the normal curriculum. Additionally, the student may miss out on career opportunities offered by visiting companies or events organised by school. However, School / College recognises that the student is more likely to benefit from this alternative provision designed to assist him/her to fulfil his/her individual potential.

The programme commences on (date) and will be **subject to a 4-weekly review** by (named member of school staff). Should the programme be deemed to have broken down as a result of the student's unauthorised absence from any of the sessions, or due to behaviour concerns or other issues, then an urgent review meeting will be arranged to determine the continued viability of the programme.

The attached timetable specifies the provision. Other conditions of the programme are as follows:

- Registration arrangements:
- Transport issues:
- NB Home study is only agreed in relation to medical needs when it is in the best interest of the pupil. It must be 'C' coded on the register (ie authorised absence). It will be reviewed at least 4 weekly and the pupil should return to full-time provision as soon as possible.

Notes:

- A personal study programme agreement is required whenever a student is not completing their full 10 sessions per week on the school site.
- The overriding principle for a personal study programme is that it is safe, educationally appropriate, in the best interests of the young person, and will be appropriately monitored and reviewed.

Personal Study Programme Agreement

Student:

Form/Tutor Group:

Student

- I agree to fully comply with this personal study programme.
- If any issues arise with any aspect of this programme, I will contact keyworker at school without delay.

Parent(s) / Carer(s)

- I/We agree to my/our son/daughter participating in this personal study programme.
- I/We agree to fully support their engagement with the programme and to immediately notify the school if my/our child is unable to attend a session due to illness or any other unavoidable cause.
- I/We will ensure that he/she complies with any agreement for him/her to work at home should this be necessary on a short term basis while full provision is being arranged, and will supervise this in person or will put into place alternative suitable arrangements for supervision at home during these periods. I/we understand that such sessions are coded as absence in the register (unless a member of staff is present) and that we are wholly responsible for him/her during these sessions.
- I/We will contact keyworker at school if any concerns arise regarding the programme.

School

- School/College will fully support the student to enable this programme to be successful.
- (Named member of school staff) will be student's keyworker, and will monitor student's progress, making contact with student at least once a week.
- Keyworker will contact parent(s) / carer(s) with any concerns, which could include the need to arrange an interim review meeting should this be felt to be necessary (e.g. if the agreed programme is not being adhered to).

Review Date for Programme: _____

Signed:

Student: **Date:**

Signed:

Parent(s) /Carer(s): **Date:**

Signed:

School Representative: **Date:**

Copy of agreement provided to parent on: _____

Name of School/College

**Personal Study Programme Agreement
Pupil Working at Home for Medical Reasons**

Student:

Form/Tutor Group:

There is medical advice that the above child is currently unable to attend school. The purpose of this agreement is to set out the responsibilities and arrangements for the child to receive an agreed level of education in line with their health needs in the home.

The timetable (attached) has been prepared to meet the specific identified learning needs of the student. The expectation and requirement is for the student to return to school full-time as soon as they are well enough to do so.

The programme commences on (date) and will be subject to (minimum 4-weekly) reviews by (named member of school staff). Should the programme be deemed to have broken down as a result of any of the following not being complied with, then the agreement will need to be renegotiated and this may lead to a break in provision.

During tuition sessions;

- A responsible adult must be present at all times who will be reasonable for the safety and wellbeing of the student at all times.
- The child should be at home and ready at the agreed time (please advise us of any medical appointments as far as possible in advance)
- Whilst present in the home, the member of school staff will not be able to continue in the event someone nearby is smoking (cigarettes and E-cigarettes)
- The environment should be an appropriate learning space with no distractions from television, radio, other family members or visitors, pets etc
- Responsibility for the administration of any medication remains with the parent.

NB Primary responsibility for the child's safety and welfare remains with the parent/carer for the duration of the session.

Where a member of school staff is with your child for the duration of the agreed period of tuition, the session will be recorded to show that direct tuition has been provided; this is shown as a 'B' code in the register. The duration of the period of tuition will be agreed verbally when it is arranged and the member of staff will require the parent to confirm the start and end time in their session log.

Student:

Form/Tutor Group:

Student

- I agree to fully comply with my home tuition agreement
- If any issues arise with any aspect of my tuition, I will speak to my tutor about these without delay.

Parent(s) (ie parent(s) and carer(s))

- I/We agree to my son/daughter being tutored in the home while they are too ill to attend school and understand that I/we remain responsible during any home tuition sessions
- I/We will ensure that a responsible adult is always present for all sessions
- I/We will ensure that a suitable environment for learning is provided
- I/We agree to fully support my son/daughter's engagement with the programme and to immediately notify the school if they are unable to engage in a session due to illness or any other unavoidable cause
- I/We will ensure that they are ready to work at home as agreed
- I/We will ensure that the child completes any homework.
- I/We will contact keyworker at school if any concerns arise regarding the programme.

School

- School/College will fully support student to enable this programme to be successful
- (Named member of school staff) will be the student's keyworker, and will monitor the student's progress
- The member of staff will provide tuition in line with any agreement and will notify the parent/s as soon as possible if any unforeseen circumstances occur that necessitate us making any changes to the dates/times of provision
- The keyworker will contact the parent(s) with any concerns
- The agreement will be reviewed in line with period specified on page 1

Review Date for Programme: _____

Signed:

Student: **Date:**

Signed:

Parent(s) /Carer(s): **Date:**

Signed:

School Representative: **Date:**

Copy of agreement provided to parent on: _____

Appendix H

Factors considered before commencing Personal Study Programme on Medical Grounds where 1 or more session involves pupil working at home:

Name of Student: Name of Teacher to attend visits:

Has the visiting Teacher knowledge of the following policies:

- Lone working Yes/No
- Code of Conduct Yes/No
- Smoking Yes/No
- E-safety Yes/No

[Add others]

Has a Parent/carer and Student Agreement been completed Yes/No

Has the Cautionary Contacts database been checked for previous issues	Yes/No
Are there any known risks in the home?	Yes/No
Are there any known psychological/behavioural issues?	Yes/No
If so, what measures are required to ensure teacher/student safety?	

What areas of the curriculum are expected to be covered?

What materials are needed for study and how will they be made available to the student?

Completed by: Position: Date:.....

**Appendix I - EDUCATION WELFARE SERVICE
Legal Work Flowchart**

Responsibilities

Details determined by EWS Prosecution Enforcement Policy/LSCB thresholds guidance

Further unauthorised absence (u/a) despite school action and EWO work pre-Panel (which may include EHA) –
Decision to hold
School Attendance Panel Meeting

EWO/
School

Timescales

2 – 4 weeks

Attendance Panel Meeting (EWS 1)
Reviews Issues Agrees Action
Reminds of legal responsibilities.
Home Visit or other intervention as appropriate. EHA if appropriate

EWO + Parent(s) + Child + school + other relevant professional/s

If further u/a

Member of staff checks for cautionary contact info prior to actioning referral and follows recommended actions

2 – 4 weeks or if further u/a occurs in the future

Review current intervention and consider appropriateness of legal action. Is further contact with parent/child necessary? If so, take step back. If legal action believed to be approp. but more info is required, PACE Interview. ESO, Penalty Notice, Final Warning or Prosecution under S444 (1/1A) EA 1996 or no further action.

EWO + APEWO + Head/Principal with other early help input where appropriate

No further legal action

PACE – INTERVIEW UNDER CAUTION (EWS2)
PACE by post if parent fails to attend

Unpaid PN/ S444(1A) prosecution is or may be appropriate

Issue Penalty Notice
(20 or more unauthorised absences in 12 school weeks or less) – Paid PN – no further action

Final Warning Letter

If further u/a

Unpaid PN and/or S444(1) approp.

Further u/a

Legal Proceedings

Within maximum 26 week prosecution period limit

Follow *Procedure Prior to Magistrates' Court*

EWO + APEWO + PEWO

Present case in Magistrates' Court

APEWO/PEWO