Wolston St Margaret's C of E Primary School

LEARNING, BELIEVING AND ACHIEVING TOGETHER TO

'LET YOUR LIGHT SHINE'

Matthew 5:16

ATTENDANCE POLICY
September 2026

Our Christian vision shapes all that we do: Learning, Believing, and Achieving together to "Let your Light Shine" *(Matthew 5-16)*

Guided by our Christian values of **Honesty, Love, Courage and Community**, we encourage all to flourish. Like a lamp set high to light its surroundings, everyone – whether timid or outgoing – is called to share their light for all to see. Our vision welcomes children and adults of all faiths and none, inspiring them to live, grow, and learn together, showing the world their unique light.

Don’t let your education slip away! It’s cool to be in school every day!

1 Introduction

The 2024 School Attendance Reforms become statutory from 19th August 2024. This is the biggest change to the approach towards attendance in 20 years. The changes aim to develop a positive whole-school ethos and culture, build relationships, understand and support barriers to attendance and then use the correct tool to change behaviour and improve attendance. **Attendance is everyone’s responsibility.**

Our procedures will follow the guidance set out in ‘Working together to improve school attendance’ (2024):

Expect - We aspire to high standards of attendance from all pupils and parents and build a culture where all can, and want to, be in school and ready to learn by prioritising attendance improvement across the school.
Monitor - We will rigorously use attendance data to identify patterns of poor attendance (at individual and cohort level) as soon as possible so all parties can work together to resolve them before they become entrenched.
Listen and understand When a pattern is spotted, we will discuss individual circumstances with families, listen to and understand barriers to attendance and agree how all partners can work together to resolve them.
Facilitate support - Remove barriers in school and help pupils and parents to access the support they need to overcome the barriers outside of school. This might include an early help or whole family plan where absence is a symptom of wider issues.
Formalise support - Where absence persists and voluntary support is not working or not being engaged with, partners should work together to explain the consequences clearly and ensure support is also in place to enable families to respond.
Enforce - Where all other avenues have been exhausted and support is not working or not being engaged with, enforce attendance through statutory intervention: a penalty notice in line with the National Framework or prosecution to protect the pupil’s right to an education.

This is a successful school and every child plays their part in making it so. We aim for an environment which enables and encourages all pupils to achieve their potential and aspire to excellence. For our children to gain the greatest benefit from their education it is vital that they attend regularly and every child should be at school, on time, every day the school is open unless they have an unavoidable reason to be absent. Any absence affects the pattern of a child’s schooling and regular absence will seriously affect their learning.

Absence or late arrival also disrupts daily routines and teaching and so may affect the learning of others in the same class. Government research shows a direct link between attendance and attainment and good attenders also make better progress socially, learn to work with others, and are better prepared for the transition to secondary school and, eventually, higher education, training and employment.

It is very important therefore that you make sure your child attends regularly and our attendance policy sets out how together we will achieve this. The policy will be applied fairly and consistently and we will always consider the individual needs of pupils, and their families, who have specific barriers to attendance.

Our attendance target this year is **96%**, but all pupils should strive to achieve 100% attendance if they can.

2 Responsibilities and expectations

2.1 Families

Parents and carers have a **legal duty** to ensure that their children attend school regularly, if they are of compulsory school age and registered at a school (see the appendix for details of how the law applies to school attendance and how "parent" is defined in law).

Parents and pupils should know the times the school day starts and finishes and when the register closes (see section 4, below), the processes for requesting leave (see section 3.4), and the process for informing school of the reason for unexpected absence.

If a child is unwell, parents are advised to check the NHS ‘Is my child too ill for school’ guidance before deciding whether or not they should attend school. If a parent is unsure, the school advise that the child is sent into school as normal and we will monitor them, calling parents to collect them if they appear to be too unwell.

If your child is going to be absent, parents must inform school as soon as possible on the first day of absence and at the latest by 9am by calling school on 02476542212 or visiting the school office.

2.2 School

Head Teacher

- Ensure there are designated staff with day-to-day responsibility for attendance matters and protected time allocated to discharge those responsibilities.
- Take overall responsibility for ensuring the school confirms to statutory requirements regarding attendance.
- Consider each request for leave against the school's criteria, decide whether some, all, or none of the leave will be authorised and notify parents of this decision.
- Where there is uncertainty regarding an absence, make the decision whether or not to authorise an absence, or to request further evidence to support the decision-making process.
- Provide regular reports to the governing body on school attendance, including persistent absence and vulnerable groups.

Senior Attendance Champion

- Take overall responsibility for championing and improving attendance in school, liaising with pupils, parents and external agencies where needed.
- Set a clear vision for improving and maintaining good attendance.
- Establish and maintain effective systems for tackling absence and make sure they are followed by all staff
- Have a comprehensive understanding of attendance data.
- Use attendance data to target attendance improvement efforts and support to the pupils or pupil cohorts who need it most.
- Regularly monitor and evaluate progress, including the efficacy of the school's strategies and processes.
- Regularly communicate pupil attendance and punctuality levels to parents.

Other staff with responsibilities for attendance

- First day response: contact parents if a reason for absence has not been provided and record this information accordingly. Contact emergency contacts if parents cannot be reached.
- Update attendance registers.
- Regularly monitor and analyse data to identify pupil, class and whole school attendance concerns and to target attendance improvement support for those who need it most, particularly vulnerable groups.
- Discuss attendance concerns at an early stage with pupils and parents.
- Work with pupils and parents to remove barriers to regular and punctual attendance, using attendance contracts where appropriate.
- Involve external agencies to support pupils and parents as appropriate to better understand and address the issues causing attendance concerns.
- Promote regular attendance through the school newsletter, website and displays and ensure the school's attendance policy is readily accessible.
- Use projects and strategies to improve attendance and punctuality for groups, classes or the whole school (eg incentive and reward schemes, certificates, traffic light letters).

All school staff

- Provide a welcoming atmosphere for pupils and a safe learning environment, particularly for those returning to school following a period of absence.
- Be aware of factors that can contribute to poor attendance and punctuality.
- Recognise that absence is a symptom of other issues impacting a pupil's welfare and can be a warning sign of safeguarding concerns.
- Adhere to the procedures in place within school to promote good attendance.

- Promote the link between attendance and educational attainment to pupils and parents.
- Complete attendance registers in accordance with the legislation and under the direction of the head teacher.
- Raise any concerns about attendance with the Senior Attendance Champion and/or head teacher.

Governors

- Ensure compliance with The School Attendance (Pupil Registration) (England) Regulations 2024.
- Agree an attendance policy and review it annually or more frequently if required.
- Agree targets for attendance at our school.
- Where the school is not meeting its attendance targets, or when the governors believe there is cause for concern, instigate a review of school's attendance procedures.
- Authorise the head teacher (or other designated person) to make decisions regarding leave of absence requests.
- Work with the head teacher in establishing equitable and consistent criteria against which leave requests will be considered.

School attendance contacts

More information about the importance of good attendance is available in the government publication Working Together to Improve School Attendance.

Contact for parents to notify school of a pupil's absence:
School Office 02476542212

Contact for day to day enquiries about attendance:
Sati Dhaliwal – Office Administrator

Support for specific and more serious attendance concerns:
Attendance Champion - Ruth Vella - contact on 02476542212
Senior Mental Health Lead - Ruth Vella
SENDCO - Louise Rouledge
Link Governor for attendance - Peter Hazelgrove

2.3 Warwickshire County Council (the local authority)
School Attendance Support Team

Each school has a named contact in the School Attendance Support Team who can advise schools on attendance related matters, and with whom Targeting Support Meetings will be held.

School Attendance Legal Team

Following requests from schools for legal interventions when parents fail to ensure their children attend regularly, the School Attendance Legal Team undertakes enforcement processes, including penalty notices, prosecutions, parenting orders, education supervision orders and school attendance orders.

Children Missing Education (CME) Team

The Children Missing Education Team ensures the local authority fulfils its statutory duty to identify children in their area who are not registered pupils at a school and are not receiving suitable education otherwise than at a school. For further information see section 7, below, regarding notifications schools must submit.

3 Types of absence

Every half-day absence from school is classified by the school as either authorised or unauthorised. This is why information about the cause of any absence is always required from parents/carers. As a school, we will always work with parents (and other agencies, as appropriate) to understand the reasons underlying absence.

3.1 Authorised absences

Authorised absences are mornings or afternoons away from school for a good reason like illness, medical/dental appointments which unavoidably fall in school time, emergencies or other unavoidable causes or exceptional circumstances.

3.2 Unauthorised absences

Unauthorised absences are those which the school does not consider reasonable or justifiable. If school has followed its attendance procedures and a pupil continues to have unauthorised absences, the school may see seek advice from the local authority School Attendance Support Team or request legal interventions from the School Attendance Legal Team. Examples of unauthorised absences are:

- Parents/carers keeping their child off school unnecessarily.
- Absences which are not explained satisfactorily.
- Pupils who arrive at school after the register has closed and without a legitimate reason (see section 4.2).
- Days off for shopping, birthdays or looking after other children.
- Day trips and other leave in term time which have not been agreed by the head teacher.
- Days that exceed an amount of leave agreed by the head teacher.

It is the head teacher's responsibility to decide if an absence is authorised or unauthorised and, if there is any uncertainty relating to an absence, school may request further confirmation from parents before an absence is authorised. For absence due to illness, this may be in the form of:

- Sight of an appointment for your GP or for the hospital, clinic, etc.
- Sight of prescribed medication or prescription for medication.
- Sight of medical notes/records.
- A letter from a medical professional such as a specialist or consultant.

Whilst any child may be off school because they are ill, sometimes they can be reluctant to attend school for other reasons. If your child is reluctant to attend it is better to speak to school as soon as possible to resolve the issue, rather than trying to cover up their absence, or give in to pressure to let them stay at home. As a school, we will always work with parents (and external agencies as appropriate) to understand and address the reasons behind absence.

3.3 Persistent Absence (PA)

Persistent absence is when a pupil misses 10% or more of their schooling across the school year for whatever reason, authorised and unauthorised (including illness, exclusion, holiday, etc). **90% attendance means that the child has missed 19 days learning – nearly 100 lessons.** Absence at this level will damage any pupil's educational prospects and we expect parents' fullest support and co-operation to address this.
At Wolston St Margaret's Primary School, we monitor all absence thoroughly, therefore any pupil whose attendance indicates they are likely to reach the PA threshold will be prioritised and parents will be informed of this promptly. Pupils who are persistent absentees are tracked and monitored carefully and the attendance procedures below (section 5) will be followed.

3.4 Leave during term time

By law, maintained schools cannot authorise any leave in term time other than in exceptional circumstances. Taking a child out of school in term time will affect their education and progress as much as any other absence. If leave is being requested that involves arranging travel or accommodation, approval must be obtained from the head teacher before making any bookings.

Leave of absence in term time **will not** be granted unless:

- a request for leave has been made in advance by a parent with whom the pupil normally resides (using the form available from the school office), **and**
- the head teacher considers that leave of absence should be granted due to the **exceptional circumstances** relating to the request.

Due to the need to evidence exceptional circumstances, parents are advised to provide school with any relevant information regarding their request at the point of application if they believe the circumstances are exceptional.

In considering the request school will also consider other factors such as:

- The timing of the requested leave, eg when a pupil is just starting at school or during assessment periods, such as SATs.
- A pupil's attendance record already includes unauthorised absence.
- Attendance is already a concern, or could become a concern, as a result of taking leave.
- Other periods of leave which the pupil may have had, either during the current or previous academic year.

Any period of leave taken without the agreement of the school, or in excess of that agreed, will be classed as unauthorised and may attract legal sanctions such as a penalty notice.

3.5 Religious absence

School will authorise one day of absence per religious festival, eg Eid, and this will be marked as code R in the register. The day authorised will be that set aside by the religious body of which the parent is a member.

Parents must request any additional leave in advance and this can only be authorised if the head teacher agrees that exceptional circumstances apply; this would be marked in the register as code C.

3.6 Participation in sporting events

Parents can request leave of absence for their child to take part in regional, national and international sporting events. However, as always, granting leave is at the head teacher's discretion and she/he will need to discuss with you the length and frequency of the absence(s) requested and how learning will continue if absence occurs, eg the sports club or association providing an approved education tutor.

4 Registration

4.1 Attendance registration

Morning registration is between 8.50am and 8.55am.
Afternoon registration is between 1.00pm and 1.05pm.

The school doors open at 8.40am and close at 8.50am (8.45am and 8.55am in Nursery). Pupils are expected to be on the premises at that time and that is when the registration period starts (ie when the register is taken and remains open). When the attendance register has been taken it remains open until 9.15am in the morning and 1.15pm in the afternoon. School finishes at 3.15pm.

4.2 Late arrival

Pupils who arrive after 8.50am must go straight to the school office at the main entrance to sign in and give a reason for their lateness. Pupils who arrive after the register has been taken (8.50am) but before it is closed (9.15am), will be marked as code L. This is classed as late, but present for the session. Pupils who arrive after the register has closed (after 9.15am) and without a valid reason for being late (such as attending a dental or medical appointment) will be marked as code U, which is classed as an unauthorised absence but indicates that the pupil was physically present in school for part of the session.

Minutes Late Per Day	How Many School Days/Weeks Missed In 1 Year
5 minutes late	3.4 school days missed a year
10 minutes late	1.4 school weeks missed a year
15 minutes late	2.6 school weeks missed a year
20 minutes late	2.8 school weeks missed a year
30 minutes late	4 school weeks missed a year

4.3 Punctuality

Poor punctuality is not acceptable. If your child misses the start of the day, they can miss work and do not spend time with their class teacher getting important news and information for the day. Pupils arriving late also disrupt lessons, which can be embarrassing for the child and can in turn, encourage absence. Being 10 minutes late every day throughout the academic year is the same as missing two weeks of school.

If your child is often late you will be asked to meet with our Attendance Champion to discuss ways to improve punctuality, but you can approach us at any time if you are having problems getting your child to school on time. Persistent lateness after the register has closed may result in further action, as outlined below, under section 5.

5 School attendance procedures

5.1 First day of absence

If the school do not have a reason for absence, the process is as follows until contact is made:

- Text message sent requesting a reason for absence
- First call to the listed contacts for the child in priority order, usually by 9.30am
- Second call to all listed contacts by 11.30am
- Absence reported to Headteacher/Deputy Headteacher
- If the SLT have concerns regarding attendance or safeguarding, a welfare visit to the house may be made

5.2 Attendance concerns

Parents are expected to contact school at an early stage and to work with us in resolving any attendance problems together; this is nearly always successful. However, if concerns persist or absences are unexplained, school will use the following procedures and interventions, as required, to support parents in improving their child's attendance and/or punctuality:

- Telephone calls and/or letters to make parents aware of school's concern about their child's attendance.
- When there is uncertainty about the reason for absence, school may ask parents to provide appropriate evidence and/or undertake home visits to ascertain where a child is and to ensure they are safe.
- Invitation to meetings to discuss concerns with the class teacher / Attendance Champion / Head teacher.
- Attendance contracts to identify barriers to regular attendance, ways to overcome these and agree targets for improvement.
- Incentive and reward schemes for individual pupils, if appropriate.
- The Early Support Assessment (ESA) process and/or referral to other agencies and services, including School Nurses and Primary Mental Health Workers, if appropriate.
- For unauthorised absences, request legal interventions by the local authority, such as penalty notices, prosecution or other attendance-related court orders.

At any stage, we may seek advice from the local authority School Attendance Support Team.

WELL DONE!	Attendance is above the whole school target of 96%
Stage One	Attendance falls below 96% - letter sent to parents expressing concerns, reminding of **legal** responsibility, attendance monitored for 2 weeks
Stage Two	Attendance falls below 93% - face to face meeting in school with parents, support offered, attendance monitored closely for 4 weeks, medical evidence required for any further absence

Stage Three	Attendance falls below 90% (persistent absence) – face to face meeting with parents, support offered, action plan with targets, attendance monitored for closely for 6 weeks, medical evidence required for any further absence
Stage Four	Involvement of outside agencies (WAS Warwickshire Attendance Service) to offer futher support / guidance

5.3 Pupils with medical needs who have difficulty attending school
Government guidance on supporting pupils at school with medical conditions (see appendix) emphasises the role of governing bodies in ensuring that pupils with medical conditions are able to fully access education in the same way as other pupils. A key element of this responsibility is reducing the amount of time missed by these pupils, whether their condition is short or long term.

School will work with parents and other relevant professionals to minimise absence for reasons of ill health. This may be in the form of reasonable adjustments, specific support or resources used within school, or by sourcing appropriate provision at another establishment. When education is to be provided at an alternative location, this should always be done via the use of a direction (please see section 6, below).

When a pupil has been absent from school for an extended period, the head teacher / class teacher / SENDCO and other support services will work with the family to ensure that a smooth reintegration is achieved.

5.4 Pupils refusing to attend school
At Wolston St Margaret's Primary school, we believe that every child has a right to a full-time education, and we would not accept "school refusal" as a reason for non-attendance. In such cases, we will work with parents to identify the reasons why a child may be reluctant to attend school. We may request advice from the School Attendance Support Team and, with consent, make referrals to other external partners such as the Children and Family Wellbeing Service or Primary Mental Health Workers, as appropriate, to try to ensure the correct support is secured for the child and their family.

5.5 Promotion of good attendance
School will promote and incentivise attendance by acknowledging and rewarding good attendance by all pupils and efforts to improve attendance by individual pupils who have additional needs or challenging circumstances. We have a comprehensive reward system in place, both at class level and individually, for children who achieve good levels of attendance:

- The class with the highest attendance each week is acknowledged and celebrated in Celebration Assembly.
- The class with the highest attendance at the end of each half term will have five pounds to spend as a class on a treat of their choosing – e.g. 'movies and munchies' afternoon, chocolate fountain, cooking activity.
- Every day that a class has 100% attendance, a "letter" will be awarded until the words "Perfect Attendance" are spelt. When this happens, a ten-minute extra playtime is awarded. The process then begins again.
- All classes have their attendance reported in our fortnightly newsletters for parents to see and are displayed on our attendance board in the main hall.
- Attendance "facts" to be included in the newsletter.
- Individual children who achieve 100% attendance each week will be entered into a draw. A random number will be generated and the child who is that number on the 100% attendance list will enjoy a special "Leadership Lunch" with the other attendance winners at the end of that half term.
- Individual children who achieve 100% attendance for the whole of the academic year receive a certificate and gift token in July.

5.6 Leave of Absence & Referrals
The DfE 'Working Together to Improve School Attendance' 2024 attendance guidance states:

"Generally, the DfE does not consider the need or desire for a holiday or other absence for the purpose of leisure and recreation to be an exceptional circumstance"

The law states a leave of absence may only be granted by a school if an application is made in advance and if it considers there are exceptional circumstances relating to the application.

Expectations

• A leave of absence is granted entirely at the school's discretion. Permission for a Leave of Absence from a school may only be given by a person who the school's proprietor has authorised to do so (an authorised person).

• Schools must judge each application individually considering the specific facts and circumstances and relevant background context behind each request.

• Generally, a need or desire for a holiday or other absence for the purpose of leisure and recreation would not constitute an exceptional circumstance.

• Where a leave of absence is granted, the school will determine the number of days a pupil can be absent from school.

• When making an application for Leave of Absence parents are advised to give sufficient information and time to allow the Head teacher the opportunity to consider all the exceptional circumstances and to notify the parents of their decision. The school may also request further information on the application and supporting documentation where appropriate.

• It is advised that if the resident parent has not received notification or a response regarding the leave of absence application, it is their responsibility to ascertain if the leave is authorised prior to the start of the leave.

• The school can only consider applications for Leave of Absence which are made by the resident parent. i.e. the parent with whom the child normally resides.

• Where applications for Leave of Absences are made in advance and refused, the child is expected to be in school on the dates set out in the application. If the child is absent during that period, it will be recorded as an "unauthorised" absence. Where a leave of absence is requested but additional days take either prior to or after the request, they may be considered as part of the leave of absence.

• Leave of Absences which are not made in advance cannot be authorised in line with legislation. This will result in the absence being recorded as 'unauthorised'.

• All matters of unauthorised absence relating to a Leave of Absence will be referred to the Warwickshire Attendance Service of Warwickshire County Council. Penalty notices are issued in accordance with Warwickshire County Council's Code of Conduct for Penalty Notices and in the first instance, as an alternative to prosecution proceedings.

• Where a Penalty Notice is not paid within the timeframe set out in that Notice, the matter will be referred to Warwickshire County Council's Legal Services to consider instigating criminal prosecution proceedings under S444 of Education Act 1996.

Leave of Absence taken in the academic year

The law relating to Penalty Notices changed with effect from 19 August 2024. Therefore, Penalty Notices issued for Leave of Absence taken from September 2024 will be issued in accordance with the updated legislation.

Penalty Notices are issued to each parent of each absent child, (for example 2 children and 2 parents, means each parent will receive 2 invoices – 4 in total).

• First Leave of Absence Offence: The amount of £160 to be paid within 28 days, this is reduced to £80 each child if paid within 21 days.

• Second Leave of Absence Offence within a 3-year period (from the date of issue of the first penalty notice): The amount of £160 paid within 28 days. No reduced amount.

• Third Leave of Absence offence within a 3-year period (from the date of issue of the first penalty notice). A Penalty Notice will not be issued and the matter will be referred to Warwickshire County Council's Legal Services to consider instigating criminal prosecution proceedings under S444 of Education Act 1996. parents a final chance to engage with support and improve their child's attendance.

6 Alternative provision and use of directions

There is a range of circumstances when pupils might be required to access educational provision at a venue other than their main school. The main reasons are:

- Pupils who have been permanently excluded or suspended for a period of more than 5 days.
- Pupils unable to access provision at their main school for medical reasons.
- Pupils required to attend another venue for the purpose of improving behaviour, either on a temporary basis

or with a view to making a permanent move to the alternative provision (via a managed move).

When a pupil is required to attend alternative provision for the purposes of improving behaviour, the governors of the main school must issue a written direction or notice informing all parents of the alternative provision which their child is required to attend. Where a pupil is required to attend alternative provision for other reasons, the issuing of a written direction is considered best practice.

7 Notifications school must submit to the local authority

7.1 Admissions

All schools must notify the local authority within five days of adding a pupil's name to the admission register and must provide the local authority with all the information held within the admission register about the pupil.

7.2 Leavers

All schools must notify the local authority when a pupil's name is to be deleted from the admission register under any of the grounds prescribed in Regulation 9 of The School Attendance (Pupil Registration) (England) Regulations 2024, as soon as the ground for removal is met and no later than the time at which the pupil's name is removed from the register.

Where a school notifies a local authority that a pupil's name is to be deleted from the admission register, the school must provide the local authority with the required information as laid out in the regulation.

In addition to submitting a notification about removal from roll, some circumstances also require school to make referral to other local authority teams such as the Elective Home Education team or the Children Missing Education team. Schools may also contact the School Attendance Support Team for advice on removing children from roll.

7.3 Pupils who fail to attend

All schools must inform the local authority of any pupil who fails to attend school regularly or has been absent without the school's permission for a continuous period of 10 days or more.

7.4 Pupils on a part-time timetable

Schools must also inform the local authority when a pupil is placed on a part-time timetable.

7.5 Children missing education (CME)

Local authorities have a duty to put in place arrangements for identifying (as far as possible) those children of compulsory school age in their area who are not on roll at a school or receiving suitable education otherwise than at a school. Local authorities should trace those children and ensure they receive a full-time education.

If a pupil has stopped attending and her or his location is unknown, schools must make reasonable enquiries to establish the whereabouts of the child jointly with the local authority, before deleting the pupil's name from the register. In such cases, school should undertake a home visit, prior to a referral being made to the local authority Children Missing Education team.

Links to other policies

This attendance policy should be read in conjunction with the following policies, available on our school website policy page:

- Child Protection and Safeguarding
- Relationship and Behaviour
- SEND
- Mental Health and Wellbeing
- Code of Conduct (parents and staff)

Attendance is everyone's responsibility.

Appendix: School attendance and the law

There are many pieces of legislation and government regulations and guidance that are relevant to school attendance and to children and their parents and carers. The list below relates to this attendance policy but is not exhaustive. Some elements of government regulations and DfE guidance do not apply to academies and independent schools (but may apply to independent special schools).

Parents and carers

Duty to ensure children receive education

Section 7 of the Education Act 1996 covers the duty of parents to secure the education of children in their care who are of compulsory school age and states:

> *The parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable—*
> *(a) to his age, ability and aptitude, and*
> *(b) to any special educational needs he may have,*
> *either by regular attendance at school or otherwise.*

Offence if a child does not attend regularly

Under Section 444 of the Education Act 1996, if a child of compulsory school age who is a registered pupil at a school fails to attend regularly, their parent is guilty of an offence. The offence is absolute as the only defences available to the parent are those statutory defences listed within that section of the Act, ie:

- the child was absent with leave granted by the school;
- the child was prevented from attending by reason of sickness or any unavoidable cause;
- absence was on a day exclusively set apart for religious observance by the religious body to which their parent belongs;
- that the school is not within statutory walking distance and that the local education authority has made no suitable transport arrangements or enabled the pupil to become registered at an alternative nearer school.

Compulsory school age

Section 8 of the Education Act 1996 establishes that a child becomes of compulsory school age on the start date of the term following her/his fifth birthday, or that day if her/his fifth birthday falls on the day term starts.

A child ceases to be of compulsory school age on the last Friday in June in the academic year in which he/she reaches the age of 16 or if he/she reaches 16 after the last Friday in June but before the start of the new school year.

Legal definition of "parent" in relation to attendance

The law requires that all “parents” are held responsible for their child’s attendance. This definition can include any person who has care of the child. Section 576 of the Education Act 1996 states:

> *Meaning of “parent”.*
> *(1) In this Act, unless the context otherwise requires, “parent”, in relation to a child or young person, includes any person—*
> *(a) who is not a parent of his but who has parental responsibility for him, or*
> *(b) who has care of him.*

Thus, the definition of “parent” means all natural parents, whether they are married or not, and includes any person who, although not a natural parent, has parental responsibility and/or care for a child or young person.

Schools

Attendance and absence registration codes

Working together to improve school attendance, DfE statutory guidance 2024, explains which codes schools should use to record attendance and absence in their registers, and specifies the DfE's expectations of schools and local authorities with respect to school attendance.

Data protection

Schools must ensure that personal data is handled in accordance with the Data Protection Act 2018. See our School’s Privacy Notice for information about how personal data will be used.

Duty for schools to include attendance information in reports for parents
The Education (Pupil Information) (England) Regulations 2005

Duty for schools to report attendance concerns about individual pupils to the local authority
Regulation 13 of The School Attendance (Pupil Registration) (England) Regulations 2024

Duty for schools to safeguard and promote the welfare of children
Keeping children safe in education, DfE statutory guidance, regularly updated

Duty for schools to share attendance data with the Government
Section 537A of the Education Act 1996 and
Share your daily school attendance, DfE guidance 2024

Leave of absence
Regulation 11 of The School Attendance (Pupil Registration) (England) Regulations 2024

Pupils experiencing social, emotional or mental health issues
Mental health issues affecting a pupil's attendance: guidance for schools, DfE 2023

Pupils with health needs who cannot attend school
Arranging education for children who cannot attend school because of health needs, DfE statutory guidance 2023
Supporting pupils at school with medical conditions, DfE statutory guidance 2015

Pupils with individual needs and specific barriers to attendance
When considering the individual needs of pupils and families who have specific barriers to attendance, schools should be mindful of their obligations under the UN Convention on the Rights of the Child and the Equality Act 2010. The Technical Guidance for Schools in England, published by the Equality and Human Rights Commission, outlines the requirements of the Equality Act 2010 for schools.

Regulations regarding participation in performances
The Children (Performances and Activities) (England) Regulations 2014

Regulations regarding removal from roll
Regulation 9 of The School Attendance (Pupil Registration) (England) Regulations 2024

Regulations regarding the school day and number of sessions
The Education (School Day and School Year) (England) Regulations 1999

Requirement for mainstream, state-funded schools to deliver a school week of at least 32.5 hours
Length of the school week, DfE guidance 2023

Legal interventions
Parents/carers commit an offence if a child who is on a school roll fails to attend regularly and those absences are recorded by the school as unauthorised.
Legal interventions are available under the following acts, guidance and regulations:

- Section 444 of the Education Act 1996
- Section 36 of the Children Act 1989
- Section 23 of the Anti-Social Behaviour Act 2003
- The Education (Penalty Notices) (England) (Amendment) Regulations 2024
- School attendance parental responsibility measures, DfE guidance 2015

LEAVE OF ABSENCE DURING TERM TIME

UPDATED INFORMATION FOR PARENTS

The Supreme Court has clarified the law on unauthorised leave, including holidays, during term time (Platt v Isle of Wright 2017). The Supreme Court has made clear that attending school 'regularly' means that the children must attend school on every day that they are required to do so. As such, the parents of any child who is absent from school without authorisation for any length of time are likely to be considered as committing an offence under s444 of the Education Act 1996.

The law states a leave of absence may only be granted by a school if an application is made in advance and if it considers there are exceptional circumstances relating to the application.

Schools must judge each application individually considering the specific facts and circumstances and relevant background context behind each request.

A leave of absence is granted entirely at the school's discretion. Generally, a need or desire for a holiday or other absence for the purpose of leisure and recreation would not constitute an exceptional circumstance.

Where a leave of absence is granted, the school will determine the number of days a pupil can be absent from school.

When making an application for Leave of Absence parents are advised to give sufficient information and time to allow the Head teacher the opportunity to consider all the exceptional circumstances and to notify parents of their decision. The school may also request further information on the application and supporting documentation where appropriate.

It is advised that if the resident parent has not received notification or a response regarding the leave of absence application, it is the parents' responsibility to ascertain if the leave is authorised prior to the start of the leave.

The school can only consider Leave of Absence requests which are made by the 'resident' parent ie the parent with whom the child normally resides.

Where applications for leave of absence are made in advance and refused, the child is expected to be in school on the dates set out in the application. If the child is absent during that period, it will be recorded as an unauthorised absence. Where a leave of absence is requested, but additional days taken either prior to or after the request may be considered as part of the leave of absence.

Leave of Absences which are not made in advance cannot be authorised in line with legislation. This will result in the absence being recorded as 'unauthorised'.

All matters of unauthorised absence relating to a Leave of Absence will be referred to the Warwickshire Attendance Service, part of Warwickshire County Council. Penalty Notices are issued in accordance with Warwickshire County Council's Code of Conduct for Penalty Notices and in the first instance, as an alternative to prosecution proceedings.

The law relating to Penalty Notices changed with effect from 19 August 2024. Therefore, Penalty Notices issued for Leave of Absence taken from September 2024 will be issued in accordance with the updated legislation.

· Penalty Notices are issued to each parent of each absent child, (for example 2 children and 2 parents, means each parent will receive 2 invoices – 4 in total).

o First Leave of Absence offence: The Penalty Notice amount of £160 to be paid within 28 days, this is reduced to £80 each child if paid within 21 days.

o Second Leave of Absence offence within a 3 year period (from the date of issue of the first penalty notice): The amount of £160 paid within 28 days. No reduced amount.

· Payment plans will not be offered and/or payments received outside of the 28 day period will not be accepted. Where a penalty notice expires unpaid the matter will be referred to Warwickshire County Council's Legal Services to consider criminal prosecution.

· Third Leave of Absence offence within a 3 year period (from the date of issue of the first penalty notice): A penalty notices will be not be issued and the matter will be referred to Warwickshire County Council's Legal Services to consider instigating criminal prosecution proceedings under S444 of Education Act 1996.

Your child's progress academically as well as socially is our shared priority.