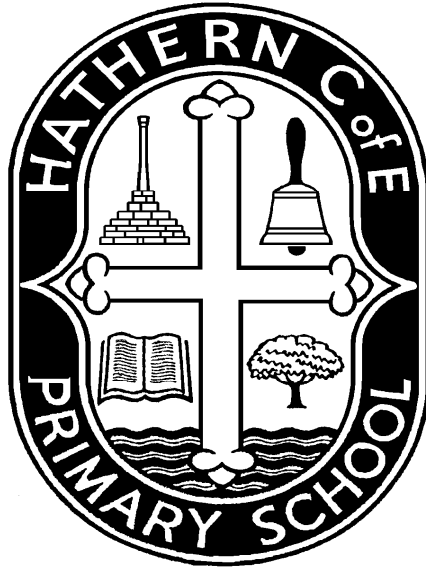


# Hathern Church of England Primary School



## **Attendance (Term-time holidays) Policy**

At Hathern Church of England Primary School, we believe in

**‘Learning and Caring Together’**

## **Attendance (Term-time holidays) Policy**

### **Considering applications for discretionary leave of absence during term-time in exceptional circumstances**

Schools need to ensure that parents/carers have access to clear, accurate information regarding their rights and responsibilities, e.g. when granting leave of absence Headteachers must always clearly specify (in writing) the leave of absence period agreed with parents/carers. If this is not stipulated, the Headteacher will not have the legitimate lawful permission to remove the pupil from the school roll if the child fails to return to school at the expected time and, if challenged, the Headteacher will be deemed by the Courts to have acted unreasonably.

The key to outstanding attendance is undoubtedly high quality teaching and learning experiences for our children and your people. The school sets high expectations of good attendance of all pupils.

Consequently, Governing Bodies have been advised to adopt clear policies and associated guidance that can be fairly and equitably applied by Headteachers.

This policy has been based on the *Protocol to Assist Schools and Academies to Manage Attendance*, issued by Leicestershire County Council, August 2013.

## 1. INTRODUCTION

The correlation between educational progress and absence is complex at an individual pupil level; any negative impact might be cushioned by a number of positive factors – parental engagement, the child’s knowledge and skill levels and the ability of the school to provide an appropriate level of support. However, if children are taken out of school for a two week holiday within term-time every year and also miss the average number of days for sickness and medical/dental appointments, then by the time they leave compulsory education at age sixteen they will have missed the equivalent of a year of schooling.

To contextualise absence:

- 1 day off per school year = 99.5% attendance
- 10 days off per school year = 94.7% attendance
- 20 days off per school year = 90% attendance
- 90% attendance throughout year’s 1-6 = half a year off school

One of the aspects which affects attendance is the request for Family Holidays (absence) during term time. It is recognised that pupil absence during term time can seriously disrupt a pupil’s continuity of learning. Parents are therefore asked **not to book** a family holiday in term time.

- 1.1 This policy statement provides guidance which incorporates the most recent amendments to relevant statutory regulations:

The Education (Pupil Registration) (England) (Amendment) Regulations 2013

The Education (Penalty Notices) (England) (Amendment) Regulations 2013

‘Advice on school attendance’ - DfE document published February 2013

‘Improving school attendance’ – DfE report and recommendations produced by Charlie Taylor, the Government’s Expert Advisor on Behaviour and Attendance, published April 2012

‘Reducing absence – ensuring schools intervene earlier’ – DfE report produced by Charlie Taylor, the Government’s Expert Advisor on Behaviour and Attendance, published July 2011

The Education (Pupil Registration) (England) (Amendment) Regulations 2011

The Education (Pupil Registration) (England) (Amendment) Regulations 2010

The Education (Penalty Notices) (England) Regulations 2007

The Education (Pupil Registration) (England) Regulations 2006

The Education Act 2006

**Specifically, Regulation 7 of the Education (Pupil Registration) (England) Regulations 2006 has been amended to prohibit the proprietor of a maintained school from granting leave of absence to a pupil except where an application has been made in advance by parents/carers and the proprietor considers there are *exceptional circumstances* relating to the request.**

In order for this policy to succeed, it is essential that it is both formally adopted and implemented by the school governing body, and then shared with pupils’ parents/ carers and other relevant members of the wider school community.

- 1.2 This policy document outlines some fundamental principles that will inform and support the school in the decision-making process.

## 2. THE LEGAL POSITION

2.1 The Education (Pupil Registration) (England) (Amendment) Regulations 2013 state that leave of absence shall not be granted unless:-

An application has been made in advance to the proprietor by a parent with whom the pupil normally resides; and the proprietor, or a person authorised by the proprietor, considers that leave of absence should be granted due to the exceptional circumstances relating to the application.

Under **section 576 of the Education Act 1996** a parent is defined as:

All natural parents, whether married or not; any person who, although not a natural parent, has parental responsibility (as defined in the Children Act 1989) for a child or young person; and any person who, although not a parent, has care of a child or young person. Having care of a child or young person means that a person with whom the child lives and who looks after the child, irrespective of what their relationship is with the child, is considered to be a parent in education law.

It is the responsibility of parents of registered pupils of compulsory school age to ensure that their child attends school regularly. If the child fails to attend regularly at the school then the parent is guilty of an offence under s444 (1) of the Education Act 1996.

2.2 **The Human Rights Act 1998** requires that schools and local authorities apply their powers fairly and consistently.

**The Equalities Act 2010** placed a general duty on all public authorities, including schools and local authorities, to have regard to the need to eliminate unlawful racial discrimination and promote equality of opportunity and good relations between peoples of different racial groups.

**The Race Relations (Statutory Duties) Order 2001** placed a number of specific duties on schools and Local Authorities, including a duty to assess the impact of their policies on minority groups and to monitor the operation of those policies by ethnicity and make that information publicly available.

**The Children Act 2004** places a duty on local authorities to make arrangements through which key agencies co-operate to safeguard and improve the well-being of children and young persons in order to promote the five outcomes under the Every Child Matters agenda:

- Be Healthy
- Stay Safe
- Enjoy & Achieve
- Make a Positive Contribution
- Achieve Economic Well-Being.

Prosecution under Section 444(1A) and 444(1A) **Education Act 1996**. If a child of compulsory school age who is a registered pupil at a school is failing to attend regularly at the school, parent(s) are guilty of an offence.

### 3. THE POLICY

- 3.1 The school acknowledges that some parents may occasionally wish to take their children out of school for a period of time, beyond the normal school holiday pattern.

However, the amendments to the 2006 regulations have removed all references to family holidays, extended leave and the former statutory threshold of allowing up to ten school days leave per year for the purpose of a family holiday during term-time.

When considering applications for discretionary leave of absence, the Headteacher must now:

- Be satisfied that the individual circumstances warrant granting leave.
- Take into account the frequency of any such requests, the pupil's attainment, overall attendance and ability to catch up on missed lessons; and then determine the number of days, if any, a child can be away from school.

- 3.2 The parent or carer must make an Application for discretionary leave of absence in advance of the actual absence.

- 3.3 Where the request is approved, the school will notify the parents/carers in writing of the decision and confirm the agreed date by which the child will be expected to return to school. This letter should also inform the parents/carers of the actions which could be taken if they fail to return on time, e.g. issued with a penalty notice for unauthorised absence.

If the school does not grant permission, the Headteacher should write to the parents/carers explaining that the request has been refused as it goes against the agreed school policy and warning them of the potential consequences for failing to ensure their child's attendance at school, e.g. they may be issued with a penalty notice and/or their child might be removed from the school roll.

- 3.4 Either 'Code G' for 'unauthorised family holiday' or 'Code O' for 'unauthorised absence not covered by any other description' should be entered in the register.

- 3.5 If leave of absence is taken without the school's authorisation, then the absence, by definition, is unauthorised (registration codes G or O). This may result in a referral to the attendance support agency and the possible removal of the child's name from the school roll (admission register).

The Headteacher may choose to apply for a penalty notice to be issued to the parents/carers if or when the pupil meets the minimum evidential requirement of **at least 20 school sessions (10 days) lost due to unauthorised absence within the previous 12 week period.**

- 3.6 Parents/carers are advised that if their child fails to return to school within 10 school days of the agreed return date, their child's name may also be removed from the school roll, with no guarantee of re-admission. Similarly, this 10 day period would constitute an unauthorised absence (registration codes G or O) and could once again result in a penalty notice being issued by the Local Authority.

The removal of a pupil's name from the school's admissions register can further

disadvantage the child upon their return, *e.g.* loss of belonging, the amount of education lost before being enrolled at another school, and the negative effects of curricular and pastoral discontinuity. However, perhaps most importantly, it also penalises the pupil for the actions of her/his parents.

Consequently, it is recommended that if there are reasonable grounds to believe that a pupil is likely to return to the school within the next ten school days, then in such circumstances the Headteacher should wait and the pupil's name not be removed from the school's admissions register until the unauthorised absence reaches twenty days.

#### **4. EDUCATION PENALTY NOTICES FOR UNAUTHORISED ABSENCES DURING TERM TIME**

- 4.1 Section 23 of the Anti-social Behaviour Act 2003 brought into force measures under Section 444 of the Education Act 1996 which empower designated Local Authority officers, Headteachers and the police to issue education-related penalty notices to parents/carers in cases of their children's unauthorised absence from school and the whereabouts of excluded pupils in a public place at prescribed times.

Leicestershire County Council has revised its code of conduct and Hathern CE Primary School has agreed to abide by this code.

- 4.2 The issuing of penalty notices must also conform to all requirements of the Human Rights Act and all equal opportunities legislation.

To ensure consistency and equitable delivery, the circumstances in which a penalty notice can be issued include:

- Parentally condoned absence
- Unauthorised holidays in term time
- Unwarranted delayed return from discretionary leave (without school agreement)
- Persistent late arrival after the register has closed
- Parents/carers failure to make arrangements to ensure that children who have been excluded from school due to misbehaviour are not in a public place at prescribed times during the first five school days of any exclusion.

- 4.3 The number of penalty notices which can be issued is restricted up to a maximum of three per pupil, per parent, in any one school year.

It is recommended practice to issue a formal warning and in such circumstances the Headteacher will write to the parents/carers and remind them that their request for leave of absence has not been approved and they will face the possibility of being issued with a penalty notice for failing to ensure their children's regular attendance at school.

- 4.4 However, warning letters may not be issued in instances where leave of absence is either not requested by parents in advance or requested with insufficient notice for a warning letter to be sent.

- 4.5 In the case of a pupil granted leave of absence but that pupil then fails to return to school within 5 school days (10 sessions) of the agreed return date, a request to issue a penalty notice to the parents will be made (unless the school is satisfied that the

pupil is unable to attend the school by reason of sickness or other unavoidable cause) via completing the form 'Request for warning of a penalty'.

All relevant information should be supplied in the specified manner, i.e.

- Copy of the completed 'Application for Discretionary Leave of Absence' form.
- Copy of the Headteachers letter sent to parents/carers informing them of the school's decision.
- Copy of the individual registration certificate (paper or electronic version) confirming the pupil's unauthorised absences.
- 'Request for warning of penalty notice - Discretionary leave in term time' signed by the Headteacher.

## 5. PUPILS WHO ARE UNABLE TO ATTEND SCHOOL AS A RESULT OF THE CHILD OR PARENT/CARER RECEIVING MEDICAL TREATMENT ABROAD

### 5.1 Background:

The primary aim of educating children & young people who have medical needs is to minimise, as far as possible, the disruption to normal schooling.

The school is well placed to support the education of children undergoing medical treatment in local hospitals and there are reciprocal support arrangements for children & young people who receive treatment elsewhere in the country. However, changes to the health economy now mean that parents/carers have greater choice in where they and their children access treatment; including the option of seeking treatment abroad.

In September 2006 the Department for Children, Schools and Families issued guidance to schools and local authorities on applying the Education (Pupil Registration) (England) Regulations 2006. The section on keeping pupil registers stated that schools should automatically treat illness as authorised absence and, , support pupils' education throughout any illnesses, i.e. schools, and other agencies (e.g. health services) must work together to support sick children before raising the issue of deletion from the school roll.

However, the High Court has ruled that only schools, not parents or anybody else, can authorise a pupil's absence, and under the amended Education (Pupil Registration) (England) Regulations 2006 schools can still legitimately challenge parents/carers statements and/or request appropriate, additional, medical evidence, although there is no legal requirement for parents to provide a doctor's certificate and schools are advised not to request medical certificates unnecessarily, especially if an illness was not treated by a doctor at the time.

### 5.2 The following Procedure will be followed by the Headteacher when considering requests from parents/carers to authorise the absence of a pupil in order for them to receive medical treatment abroad:

- Seek clarification from parents/carers as to whether the child has been diagnosed with a long-term or recurrent illness;
- discuss the most appropriate time to plan the treatment in order to help

minimise disruption to the child's educational career, e.g. avoiding SATS and examination times;

- request the pupil's parents/carers to provide medical evidence from the child's UK hospital consultant/paediatrician to support approval of absence;
- ask parents for their consent to seek further advice from UK health professionals (e.g. school's health service) around potential further detriment to the child's health if the requested period of absence was not agreed and/or treatment is delayed because of concerns over the need to maintain continuity of education;
- request the pupil's parents/carers to provide (if possible/available) a letter from the hospital consultant/paediatrician in the country where the child will be receiving treatment, specifying:
  - the nature of the medical problem;
  - the type of treatment to be undertaken, and
  - the estimated recuperation period needed before the child can be declared fit enough to safely return to the UK;
- secure agreement from the parents/carers that they will contact the school if anything delays their expected return;
- give due consideration as to whether the child or young person is likely to be placed at more risk by being out of the country and not receiving a suitable education.

In the majority of cases, after securing parental consent, the first point of contact should be the school nurse, who will liaise with community paediatricians and/or refer on as they see fit.

### 5.3 **Outcome of the meeting with the parent/carers:**

Where the request is approved, then school should notify the parents/carers in writing of the decision and confirm the agreed date by which the child will be expected to return to school. This letter should also inform the parents/carers of the actions which could be taken if they fail to return on time, e.g. issued with a penalty notice for unauthorised absence.

If the school does not grant permission, the Headteacher should write to the parents/carers explaining the reason why the request has been refused and warning them of the potential consequences for failing to ensure their child's attendance at school, e.g. they may be issued with a penalty notice and/or their child might be removed from the school roll.

### 5.4 **Marking the school register**

Under the advice & guidance provided to schools and local authorities by the Department for Education (DfE) on the use of codes to record pupil attendance, a registered pupil who does not attend school for medical reasons (illness) and does not access other alternative provision should be marked in the school register as an authorised absence (Code I).

In exceptional circumstances, the Headteacher can also grant permission for a child to be absent from school (recorded as C) because of the parent/carers need to travel abroad for medical treatment.



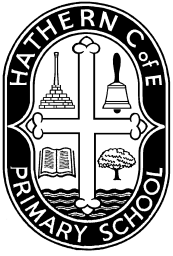
However, in the case of a pupil who is absent from school without permission, then either 'Code G' for 'unauthorised family holiday' (when it's the parent/carer who is receiving the medical treatment) or 'Code O' for 'unauthorised absence not covered by any other description' (when it's the pupil who is receiving the treatment) should be entered in the register.

#### 5.5 **Payment and non-payment of a Penalty Notice (with effect from 1<sup>st</sup> September 2013)**

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

Non-payment will trigger a prosecution for non-attendance under section 444(1) of the Education Act 1996. LCC will undertake the prosecution using a period of complaint including the period highlighted within the Penalty Notice. The school/externally employed attendance agency will need to prepare a Section 9 statement of witness. The Headteacher (or representative) may also be called to give evidence.

# **APPENDICES**



# Hathern C of E Primary School

Headteacher: Stuart Bailey

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Tel: 01509 842569

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## Term Time Holidays

Government legislation (1st September 2013) states that Headteachers may not grant any leave of absence during term time unless there are exceptional circumstances. This position remains unchanged.

The school and its staff regard the regular attendance of children at school as being vital to each child's education and development. It is for this reason that non-attendances (however short or infrequent) are treated seriously. It remains the policy of the school to only sanction non-attendance during term time in exceptional circumstances.

Good and regular attendance is recognised as 96%+ attendance, with no unauthorised absences.

If your child has unauthorised leave of absence you may either be issued with a Penalty Notice of £120 per parent per child (discounted to £60 if paid within 21 days) or, your case could be referred by the Local Authority directly to the Magistrates' Court for the purposes of criminal prosecution.

Yours sincerely

A handwritten signature in black ink that reads 'S Bailey'.

Stuart Bailey, Headteacher

*Learning and caring together*



## Absence Request Form

|   |                                       |
|---|---------------------------------------|
| <b>Name of Child:</b>   | <b>Class:</b>                         |
| <b>Date of absence:</b>   |                                       |
| <b>From:</b> (first day not in school)  | <b>To:</b> (date of return to school) |
| <p><i>Please note:</i></p> <ul style="list-style-type: none"> <li>• Parents have a legal obligation to ensure their children receive a full-time education</li> <li>• Absence for any reason during term time is discouraged</li> </ul>   |                                       |
| <p><i>Absence known to be for the following reasons <b>would be authorised:</b></i></p> <ul style="list-style-type: none"> <li>• Illness</li> <li>• Religious observance</li> <li>• Attendance at medical appointments which could not be made outside school hours</li> <li>• A family needing to support each other during or after a crisis</li> </ul>   |                                       |
| <p><i>Family holidays during term time</i></p> <ul style="list-style-type: none"> <li>• <b>Holidays during term time are strongly discouraged due to the inevitable disruption caused to learning.</b></li> <li>• Parents do not have an automatic right to withdraw pupils from school for a holiday. Amendments to the registration regulations (Government regulations) remove references to family holidays and extended leave as well as the threshold of ten school days. The amendments make it clear that <b>Headteachers may not grant any leave of absence during term time</b> unless there are <b>exceptional circumstances</b>. This came into force on 1<sup>st</sup> September 2013.</li> <li>• <b>No holidays will be authorised during term time.</b> Any holiday taken during term time will be recorded as <b>unauthorised absence</b>.</li> <li>• The Headteacher may choose to apply for a penalty notice to be issued to the parents/carers if or when the pupil meets the minimum evidential requirement of <b>at least 20 school sessions (10 days) lost due to unauthorised absence within the previous 12 week period.</b></li> </ul> |                                       |
| <p><b>Please indicate the reasons why an authorised absence is requested and why arrangements could not be made outside school hours:</b></p><br><br><br><br><br><br><br><br><br><br>   |                                       |
| <b>Signed:</b>  | <b>Dated:</b>                         |