



Wyvern Academy

A company limited by guarantee, registered in England and Wales. No 8123602

Pupil Attendance Policy (Pupils)

Review of Policy: Summer 2023

Members of staff responsible: Head Teacher

Policy History: Ratified

Description of Policy Formation and Consultation Process

People involved: Admin Officer with responsibility for Attendance
Head Teacher
FTB Committee

Signed by Chair of Trustees:

Date: 12.05.23

Date for Review: Summer Term 2024

WYVERN ACADEMY ATTENDANCE POLICY

Aims and Targets

All pupils have the right to attend school. Their attendance is required for 190 days per year. Wyvern Academy will use daily registers to record the attendance patterns of pupils. Poor or intermittent attendance below 90% will be investigated and challenged as appropriate.

Parents/carers will be required to account for their child's whereabouts on days they do not attend school. Parents/carers wishing to take their child on holiday will be required to make specific requests to the Head Teacher using the Local Authority format. Holidays in term time may not be authorised unless there are very special circumstances.

Where pupils have access to hospice care this will be automatically allowed as part of their holistic provision.

Our school will give priority to emphasising to parents/carers and pupils the importance of regular and punctual attendance. We recognise that parents/carers have a vital role to play and that there is a need to establish strong home-school links and communication systems that can be utilised whenever there is concern about attendance.

If there are concerns which affect a pupil's attendance we will strive, in partnership with parents/carers, pupils and our Family Support Worker, to resolve any concerns as quickly and efficiently as possible.

Statutory Framework Section 7 Education Act 1996

Parents/carers have a duty to educate their children 'suitable to their age, aptitude, ability and any special educational needs which they may have' either by regular attendance at school or otherwise under Section 7 of The Education Act 1996. Parents/carers whose children are registered at school are then responsible for ensuring that they attend punctually, regularly and stay at school.

Schools have to call the attendance register twice per day – at the start of the morning and afternoon sessions. School must ensure that attendance registers are kept, in accordance with legal requirements and the policy of the school. In addition, schools must inform the Local Authority about pupils who do not attend school regularly or who have been continuously absent for 10 consecutive days or more (unless the absence is covered by a medical certificate). Schools have to include data on authorised and unauthorised absence on the school website. Local Authorities are required to ensure parents/carers carry out their responsibilities with regard to their children's education.

Wyvern Academy is committed to providing a full and efficient education to all pupils and embraces the concept of equal opportunities. We will endeavor to provide an environment where all pupils feel valued and welcome.

Close attention to attendance comprises part of the school's safeguarding vigilance and produces data for equalities checks.

Context: Patterns of attendance at a special school

Within the context of a special school such as Wyvern Academy, it is understood that many pupils, through the same reasons for attending this school, will have health or care issues that impact on their attendance.

A proportion of absences for certain pupils will be unavoidable and patterns will correspond to matters such as hospital stays, clinic appointments or an agreed reduction to their timetable on health grounds.

Some individuals, related to their diagnosed condition, may experience periods of emotional/behavioral difficulties, disrupted sleep or anxiety-related transition issues that are known and well-documented elements of their management. In such cases there will be a high level of involvement from the school's senior leadership team and commonly health professionals. There will be regular contact with families in order to respond to patterns and changes.

Within these contextual and individualised considerations, a high level of attendance remains fundamental to pupil progress and well-being. Therefore the school does not operate a policy of 'blanket tolerance' of absence from school and regards each case individually in order to optimize attendance.

School Procedures

Any child who is absent from school at the morning or afternoon registration period must have their absence recorded as being authorised, unauthorised or as an approved educational activity (attendance out of school). Only the Head Teacher or a member of staff acting on their behalf can authorise absence. If there is no known reason for the absence at registration, then the absence will be recorded in the first instance as unauthorised.

The coding for any absences will be in accordance with the guidance provided by the Department of Education.

The school makes clear to parents/carers in the new parent pack and regularly in newsletters that they are responsible for contacting the office to inform school of their child's absence by 8am on the first day of absence. Office staff will check the answerphone and are present to personally take calls from 8:15am.

When the school is notified of a pupil's absence through a verbal message from transport staff, the office will attempt to telephone the pupil's home to verify details and reiterate the expectation of direct contact from parents.

If no message has been received and a pupil is not present at registration class staff will contact the office to enquire about known transport issues and establish whether an unexplained absence has occurred. Should this be the case office staff will attempt to contact the pupil's home to investigate. This will be done by 9:45am.

Should the office fail to make contact, attempts will be repeated using all known contact and emergency contact numbers until contact is made and the circumstances of the absence established. A record is kept of all attempts including numbers used and times.

Should contact not be established by 10am the matter will be referred to the Designated Safeguarding Lead (DSL) who may take the action of contacting Social Care.

Where a parent/carer has called in on time to inform the school of an absence, the office staff will call the class in question to inform them and also the personnel manager.

Once an absence and explanation are established and recorded on the schools MIS system office staff contact the kitchen.

A standard letter will be sent to a parent/carer, where the correct procedure has not been followed, reminding them.

Absence notes

Notes received from parents explaining absence should be kept for the remainder of the academic year. If there are attendance concerns about the pupil, that may require further investigation, then the notes may need to be retained for a longer period.

Frequent Absence

Within the school it is the responsibility of the class and office staff to be aware of and bring attention to, any emerging attendance concerns. In cases where a pupil begins to develop a pattern of absences, the school will try to resolve the matter as soon as possible.

Persistent Absence [PA]

Most commonly, pupils with attendance patterns which would otherwise be described as persistent are known cases as described earlier in this policy. However the school is vigilant in scrutinizing these patterns and will challenge parents where sufficient explanation is not forthcoming.

Leave of absence in term time

From 1 September 2013 The Education (Pupil Registration England) Regulations 2013 removed references to family holiday and extended leave as

well as the statutory threshold of ten school days leave per year. The regulations make it clear that Head Teachers can only grant leave of absence during term time when there are exceptional circumstances.

The Head Teacher will determine if the request for an absence in term time is exceptional and will consider each request on a case-by-case basis. Some of the reasons we may consider as supporting an application for an absence in term time are:

- Respite at Children's' Hospice or similar
- Forces Personnel on leave from a foreign posting
- Parents'/carers' employment restrictions – there are a few employers who restrict their employees' holiday leave. We may consider asking for some evidence from the employer
- Significant family events or circumstances – these will need to be considered individually

Where absence from school can be considered an "exceptional circumstance" and the pupil has a high level of school attendance (90% or over) a request should be granted. If a request is made for longer than 10 days parents/carers are contacted to discuss the request. Similarly, if multiple short breaks are requested that add up to 10 days parents/carers will be contacted to discuss the matter.

Trustees at Wyvern Academy fully recognise the stress and sensory overload that some children can experience in crowded situations from high levels of noise, needing to queue etc. When children are stressed this places additional strain on the rest of the family. This means that for some families to have a relaxing, restful holiday this needs to take place outside busy school holiday periods. Trustees are also committed to granting leave of absence for family respite which is often only provided in term time.

Categorisation of Absence

Any pupil who is on roll but not present in the school must be recorded within one of these categories.

1. Unauthorised Absence
2. Authorised Absence
3. Approved Educational Activity

1. Unauthorised absence

This is for those pupils where no reason has been provided, or whose absence is deemed to be without valid reason.

2. Authorised absence

This is for those pupils who are away from school for a reason that is deemed to be valid under the Education Act 1996.

3. Approved Educational Activity

This covers types of supervised educational activity undertaken off site but with the approval of the school.

Note Pupils recorded in this category are deemed to be present for attendance returns purposes.

This would include:

- Work experience placements
- Field trips and educational visits
- Sporting activities
- Link courses or approved education off site

If a pupil is receiving education off site or is attending at a school where they are dual registered with, the school will liaise with the other education provider to check on attendance.

For full details of the statutory guidance relating to school attendance and parental responsibility refer to: -

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/401467/parental_responsibility_measures_for_school_attendance_and_behaviour.pdf.pdf

Code Y

DfE guidance defines certain 'exceptional circumstances' in which a pupil will be unable to attend school because the school site or part of it is unavoidably closed or transport is not available. In these instances a Y is entered into the register. At Wyvern Academy every reasonable attempt is made to ensure all pupils' school place remains open in term time. However, due to the highly specific nature of some pupils' needs, staffing, accommodation or other infrastructural reasons can mean their place has to be temporarily closed. For these situations the Wyvern Academy Code Y Protocol is followed.

Children Missing Out on Education

Schools have a duty to inform the local authority whenever a child is put onto a reduced timetable or a fixed term exclusion by the school or when the child is to be removed from the school roll whether by permanent exclusion, elective home education or for other reasons. Schools will be aware that they are responsible for the safeguarding of all pupils on their roll and therefore must ensure the welfare of pupils off-site during school hours.

The School Admissions Code (published by the DfE in December 20141) (issued under Section 84 of the School Standards and Framework Act 19982) states that a child is entitled to a full-time place in the September following their 4th birthday.

All Schools have a statutory duty to provide full-time education for all pupils on their roll. A pupil is deemed to be missing out on education when it consists of less educational time than that which is provided to the majority of the pupil's peers in that setting. Thus, a child on a fixed term exclusion, on a reduced timetable or any other arrangement whereby sessions are missed is deemed to be missing out on education. Of course, poor attendance also results in the child missing out on education.

Pupils should receive full-time education consistent with their Key Stage.

Children Missing Education

Where a pupil transfers to another Dorset school from Wyvern Academy or another region of the UK, the staff will make every effort to ascertain their whereabouts of the child and inform the local authority (Children Missing Education) Contact.

The staff will seek to establish contact with any receiving school in order to arrange transfers of records.

Reduced Timetables

In certain exceptional circumstances it can be necessary to arrange a reduced timetable for a specific student when other options have been exhausted and there is a risk of a more significant negative consequence, for example, permanent exclusion. A reduced timetable is where the student attends school for a reduced number of days per week or has a shortened school day.

The decision to reduce a student's timetable is not made lightly and will be agreed by the school, parents, the local authority and very often another education, health or social care professional. Typical reasons include medical considerations associated with a student's condition or emotional/behavioural considerations impacting the education or wellbeing of the student and their family. In each case the potential impact of the reduced timetable is weighed against alternative interventions and also against making no intervention at all.

The agreement is recorded in writing on a school form (Appendix B) and is recorded in the school register as an authorised absence.

General questions or queries, please email:
schoolattendance@dorsetcouncil.gov.uk

This policy/procedure is to be read in conjunction with all others that come under the Wyvern Safeguarding family of policies.

These are: Child Protection, Behaviour (including anti-bullying), Staff Code of Conduct, SRE, Intimate Care, Medical, Whistle-Blowing, Health and Safety, E-Safety, Safer Recruitment,

Complaints, Allegations Procedures, Attendance (pupils), Data Protection, Looked after Children, Lone Working, Manual Handling, Pool Safety Operating Procedures, and Violence at Work.

As such, reference is made to the key guidance documents: Keeping Children Safe in Education 2020 and Guidance for Safer Working Practice 2019.

Appendix A

Dorset Council Children's Services Penalty Notice Protocol

1. Legal Basis:

Sections 444A and 444B of the Education Act 1996 empower designated Local Authority (LA) Officers, Head Teachers (& Deputy and Assistant Head Teachers authorised by them) and the Police to issue Penalty Notices in cases of unauthorised absence from school. The Education (Penalty Notices) (England) Regulations 2007 require the Local Authority, in consultation with all of the above, to develop a code of conduct which must be followed when issuing Penalty Notices.

The issuing of Penalty Notices must conform with all requirements of the Human Rights Act 1988 and all Equal Opportunities legislation. These provisions apply to all persons who fall within the definition of a 'parent' as set out in section 576 of the Education Act 1996. By virtue of this section 'parent' includes: all natural parents, whether they are married or not; any person or body who has parental responsibility for a child (as defined by the Children Act 1989); any person who, although not a natural parent, has care of a child. Having care of a child means that a person with whom a child lives and who looks after a child, irrespective of what their relationship is with that child, is considered to be a parent in Education Law.

2. Rationale for Issuing Penalty Notices:

Regular and punctual attendance at school is both a legal requirement and essential for pupils to maximise their educational opportunities.

Children's Services will continue to investigate cases of non-attendance from school and, following appropriate casework, instigate legal action if applicable. In law, an offence occurs if a parent/carers fails to secure a child's attendance at the school at which they are a registered pupil and that absence is not authorised by the school. Penalty Notices supplement the existing sanctions currently available under section 444 Education Act 1996 or section 36 Children Act 1989 to enforce attendance at school where appropriate.

Children's Services delivers this LA responsibility.

3. Circumstances where a Penalty Notice may be used:

Penalty Notices can only be issued in cases where a pupil of compulsory school age has been absent and the absence has not been authorised by the school or where the pupil has persistently arrived late after the register has closed.

The level of absence that is necessary before a Penalty Notice can be issued is 10 or more half days of unauthorised absence within a 12 school week period. The key consideration in deciding whether to issue a Penalty Notice will be whether it can be effective in helping to get the pupil who is missing education back into school.

A Penalty Notice is a suitable intervention in circumstances of parentally condoned truancy; where the parent is considered capable of securing their child's regular attendance but is not willing to take responsibility for doing so.

To ensure consistent and fair delivery of Penalty Notices, the following criteria for their use shall apply:-

- No one parent will receive more than three separate Penalty Notices resulting from the unauthorised absence of an individual child in any twelve month period.
- However, where families contain more than one poorly attending pupil, multiple issues may occur.

4. Procedure for issuing Penalty Notices:

Children's Services will issue Penalty Notices for all Dorset Schools. Penalty Notices will only be issued by first class post and never as an on the spot action; this is to satisfy that all evidential requirements are in place and to meet health and safety requirements.

Children's Services will receive requests from schools, Dorset Police and neighbouring Local Authority Requests from Schools will be sent to their area's Integrated Duty Team following discussion with Locality Social Worker or a Practice Manager. A Penalty Notice may be issued providing it does not conflict with other intervention strategies in place or other enforcement sanctions already being processed. Children's Services will respond to all requests within 10 school days of receipt and where all criteria are met, will:

In cases of unauthorised absence

- Issue a formal warning to the parent/carer of the possibility of a Penalty Notice being used.
- In the same letter set a period of 15 school days within which the pupil must have no unauthorised absence.
- Issue a Penalty Notice through the post at the end of the 15 day period if the required level of improvement has not been achieved.

Unauthorised Leave during Term time

In accordance with The Education (Pupil Registration) (England) Regulations 2006 as amended a Penalty Notice can be issued in certain circumstances, for example where a parent takes a child on holiday during term time without the school authorising the absence. In such circumstances, although a minimum of 10 half day sessions of unauthorised absence will still apply before a Penalty Notice may be issued; the authorised person may issue a Penalty Notice without first issuing a formal warning to the parent as would otherwise be required. However s/he should still be satisfied that the parent was informed

beforehand that, in some circumstances e.g. term time holiday, unauthorised absence could lead to a Penalty Notice being issued without further warning.

Who can receive a Penalty Notice?

Any Penalty Notice issued must be addressed to one parent but a Penalty Notice may be issued to each parent liable for the offence or offences.

An authorised person has discretion when deciding whether to issue one or more parents of a child with a Penalty Notice. This is to enable account to be taken of the specific circumstances in individual cases.

5. Roles and Responsibilities of the Local Authority

Local Authorities (LAs) may, in the absence of any other agreement, only issue Penalty Notices in respect of pupils registered at a school in that LA area or, in the case of an unregistered pupil, who resides in their area or for whom that LA has arranged alternative provision. LAs may only issue Penalty Notices in respect of pupils registered at a school in another LA area or, in the case of an unregistered pupil, for which another LA has arranged alternative provision if they have an agreement to that effect with the other LA.

6. Procedure for withdrawing Penalty Notices:

Once issued, a Penalty Notice will only be withdrawn in the following circumstances:

- Proof has been established that the Penalty Notice was issued to the wrong person.
- The use of the Penalty Notice did not conform to the terms of this Protocol.
- The Penalty Notice contains a material error.
- The Local Authority (LA) must withdraw the Penalty Notice if it is not paid in full and the LA has not, and does not intend to, instigate legal proceedings.

7. Payment of Penalty Notices:

Arrangements for payment will be detailed in the Penalty Notice.

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

8. Non-payment of Penalty Notices:

Non-payment of a Penalty Notice will trigger the prosecution process.

- Prosecution is for the offence to which the notice relates rather than for non-payment of the notice.
- In the case of unauthorised absence, if there is a prosecution, it will follow the usual procedure of a prosecution for irregular attendance (including considering an Education Supervision Order as an alternative, or in addition, to prosecution) under the provisions of section 444(1) or 444(1a) The Education Act 1996.

9. Penalty Notices and Excluded Pupils

- Section 103 of the Education and Inspections Act 2006 places a duty on parents in relation to an excluded pupil. A parent has to ensure that their child is not present in a public place during school hours without reasonable justification during the first 5 days of each and every fixed period or permanent exclusion.
- Section 105 allows for a Penalty Notice to be given to a parent guilty of an offence under Section 103. The Penalty Notice allows a parent to pay a penalty as a way of discharging any liability for the offence of failing to ensure that their child is not present in a public place on the days specified in a notice given to them. The parent must have been notified by the school at the time of the exclusion of their duty and the days to which it relates.

10. Procedure for Issuing of Penalty Notices in Cases of Exclusion

- When a child is excluded from school – either for a fixed period or permanently – and the child is found in a public place during normal school hours on a specified day of exclusion Issue a Penalty Notice.
- In order for the parent to incur either form of legal responsibility the school must give them notice informing them of the duty to ensure their child is not found in a public place, the days when this duty will apply and, as appropriate, of the arrangements for alternative provision.
- If the child has been provided with alternative provision and is not attending this provision then the parent will be liable under the unauthorised absence regulations.

11. Non Payment of Penalty Notices – Exclusions

- In the case of a prosecution of a parent who has failed to ensure their child is not found in a public place during a specified day of exclusion, the procedures, such as preparing and serving a summons, will be similar to those for unauthorised absence.

Penalty Notices – A Guide for Schools

Penalty Notices were introduced as a quicker route to prosecution of parents when a pupil has unauthorised absence. They can be used in two ways.

Unauthorised Absence

1. If a pupil has 10 or more unauthorised absences (half day sessions) within a 12 school week period then a Penalty Notice can be considered.
2. A school can request a Penalty Notice by completing the attached form and sending it to the School Attendance Team. Please include a record of the pupil's attendance.
3. The School Attendance Team will send a warning letter to the parent(s) stating that the pupil must have no unauthorised absence in the next 15 school days. If there is any unauthorised absence, a Penalty Notice will be issued. (Please note: In some cases if the warning letter has effected a major improvement in the pupil's attendance, we may consider issuing an additional 15 school day warning letter to see if the improvement can be maintained. We will discuss this with the school before issuing the second warning letter.)

Holidays in Term Time

A Penalty Notice can be issued when a parent takes a child on holiday during term time without the school authorising the absence.

1. A minimum of 10 half day sessions of unauthorised absence will still apply before the Penalty Notice can be issued, however a warning letter will not be sent.
2. If a pupil has an otherwise good record of attendance and the holiday is for 10 sessions and is the only record of unauthorised absence then the School Attendance Team will consider sending a letter to the parent(s) stating that, although there are grounds for issuing a Penalty Notice, a Penalty Notice will not be issued on this occasion. If, however, the pupil has any further unauthorised absences, a Penalty Notice may be issued at a later date.
3. If there is a longer unauthorised holiday period or 10 unauthorised holiday absences and additional unauthorised absences on the pupil's record then a Penalty Notice will be issued.
4. A school can request a Penalty Notice for unauthorised holiday absence on the attached form.

A Penalty Notice must be addressed to one parent but may be issued to each parent liable for the offence.



Appendix B

Wyvern Academy Reduced Timetable Agreement Form

Student Name:	DoB and NC Year Group:	Date of meeting:
Names and roles of school staff and other adults attending the reduced timetable meeting:		
Basis for making the decision to set up a reduced timetable:		
What alternative interventions or solutions were considered and rejected and why:		

Commencement date of reduced timetable:
Detail of the timetable reduction:
First 6 week review meeting date, time, attendees and location:
(Reviews to be set up at 6 week intervals during the period of reduced timetable)
Person completing risk assessment:
(To be completed prior to commencement.)

By signing this agreement form you agree to the commencement of the reduced timetable, as laid out above.

On behalf of Wyvern Academy

Name: _____ Role: _____

Signed: _____ Date: _____

Parent/Carer

Name: _____

Signed: _____ Date: _____

For office use

☐ Dorset Council informed (date: _____) (email/ telephone / Nexus)

☐ Risk Assessment attached

☐ Copies to LA / Parent/Carer / WA office