# Attendance 2015-16

Hampshire Services
HIAS SCHOOL IMPROVEMENT

Hampshire County Council

# Administering the new Code of Conduct

Oct 2015

# Purpose of Penalty Notices

– **Penalty Notices are intended to be used in tackling parentally condoned absence** where it is reasonable to expect that the parent can ensure the child‟s regular attendance but s/he is not willing to take responsibility for doing so e.g. where a parent is not cooperating with advice or support offered to help improve his or her child‟s attendance.

DfE

If the family or child require support a PN should not be considered.

# Previous thresholds

– Penalty Notices can only be issued where a pupil of compulsory school age has unauthorised absence including arrival late after the register has been closed. The level of absence that is necessary is 20 or more half-day sessions i.e. the equivalent of 10 school days, of unauthorised absence during any 10 school week period.

– 20 half day sessions of unauthorised absence for a family holiday, during any 10 week period

# From Sept 2015

Hampshire County Council will issue a Penalty Notice for any unauthorised absence in the following circumstances:

Where a pupils has been:

- persistently arrived late coded „U" for up to 10 sessions 5 days after the register has been closed.
- persistently late before the close of reg „L" but the school **has met with parents** and has clearly communicated that they will unauthorise any further lateness code „O" and meets the threshold 5 days and 10 sessions

# Cont…

Where a pupil has been:

– absent for 10 or more half-day sessions (5 school days). These do not need to be consecutive.

– missed any public examinations, formal school assessments or testing of which dates were published

# New Publication & press release

https://www.gov.uk/government/publications/absence-and-attainment-at-key-stages-2-and-4-2012-to-2013

Education Secretary Nicky Morgan said:

- The myth that pulling a child out of school for a holiday is harmless to their education has been busted by this research. Today heads across the country have been vindicated - missing school can have a lasting effect on a pupil‟s life chances.
- This is why we are doing all we can to encourage more pupils back into class by toughening up on term-time holidays and attendance. Heads and teachers are now firmly back in charge of their classrooms thanks to our plan for education and new flexibility over term dates allow them to set term breaks outside of peak times.



**Nathan is in Yr 2.**

**His attendance is always around 90%. He thinks this is pretty good.**

90% attendance means that he is absent from lessons for the equivalent of ***one half day every week*.**

In Yr 1 he missed the equivalent of ***four whole weeks (half a term)***

If Nathan continued this pattern over seven years he would ***miss*** the equivalent of over ***one half of a school year***

# Percentage Attendance Weekly

| | | |
|---|---|---|
| 90% | = | ½ day |
| 80% | = | 1 day |
| 70% | = | 1 ½ days |
| 60% | = | 2 days |
| 50% | = | 2 ½ days |
| 40% | = | 3 days |
| 30% | = | 3 ½ days |

# Percentage Attendance by Yr 6

| | | | |
|---|---|---|---|
| 90% | = | 20 weeks | = 1 ½ TERMS |
| 80% | = | 40 weeks | = 1YEAR |
| 70% | = | 60 weeks | = 1 ½ YEARS |
| 60% | = | 80 weeks | = 2 YEARS |
| 50% | = | 100 weeks | = 2 ½ YEARS |

# Percentage Attendance Termly/Yearly

90% = 1 week 2 days = 4 weeks

80% = 2 weeks 4 days = 8 weeks

70% = 4 weeks 1 day = 12 weeks

60% = 5 weeks 3 days = 16 weeks

50% = 7 weeks = 20 weeks

40% = 8 weeks 2 days = 24 weeks

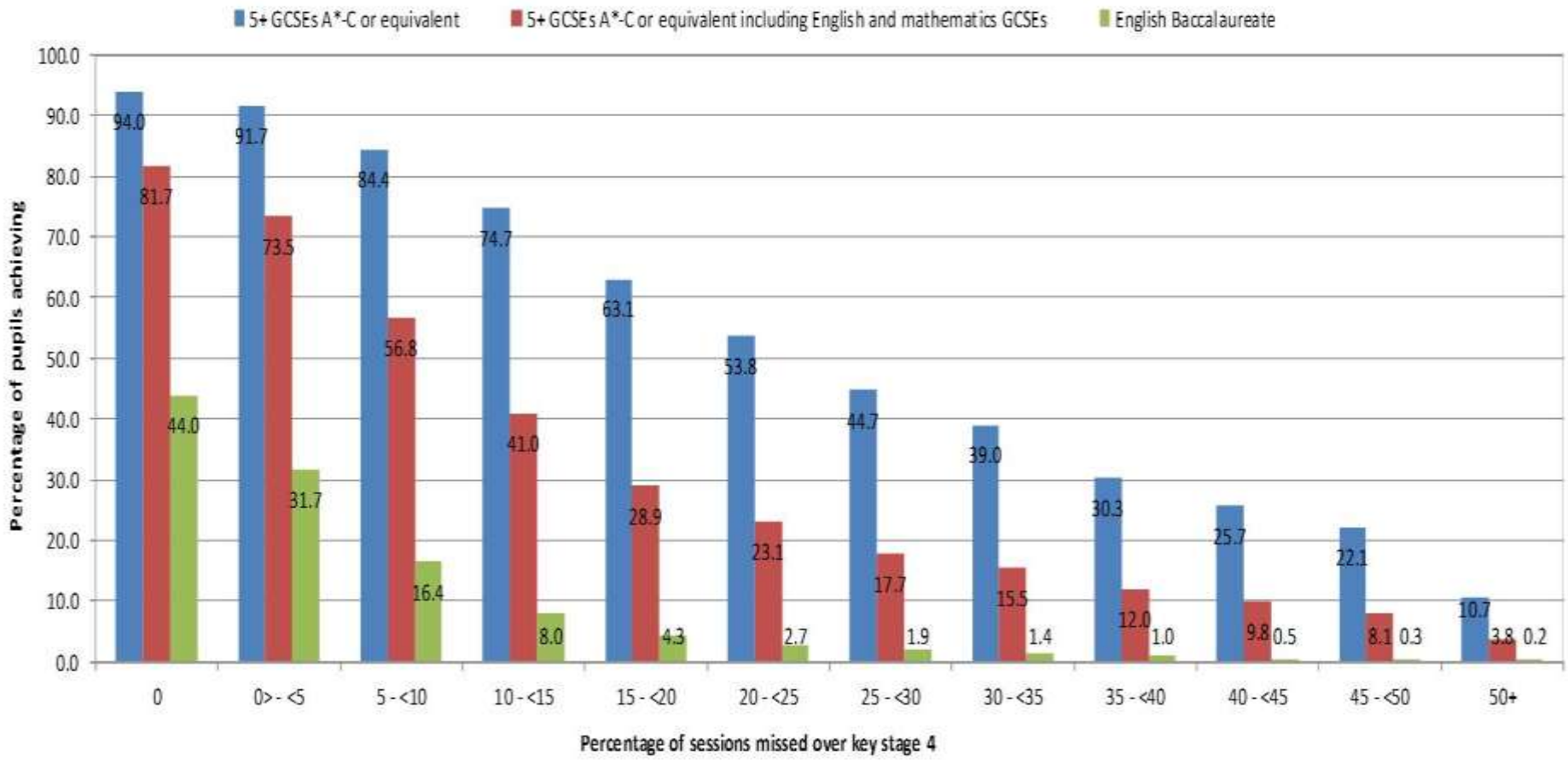
30% = 9 weeks 1 day = 28 weeks

# High Attendance =

More learning opportunities
More knowledge
More fun

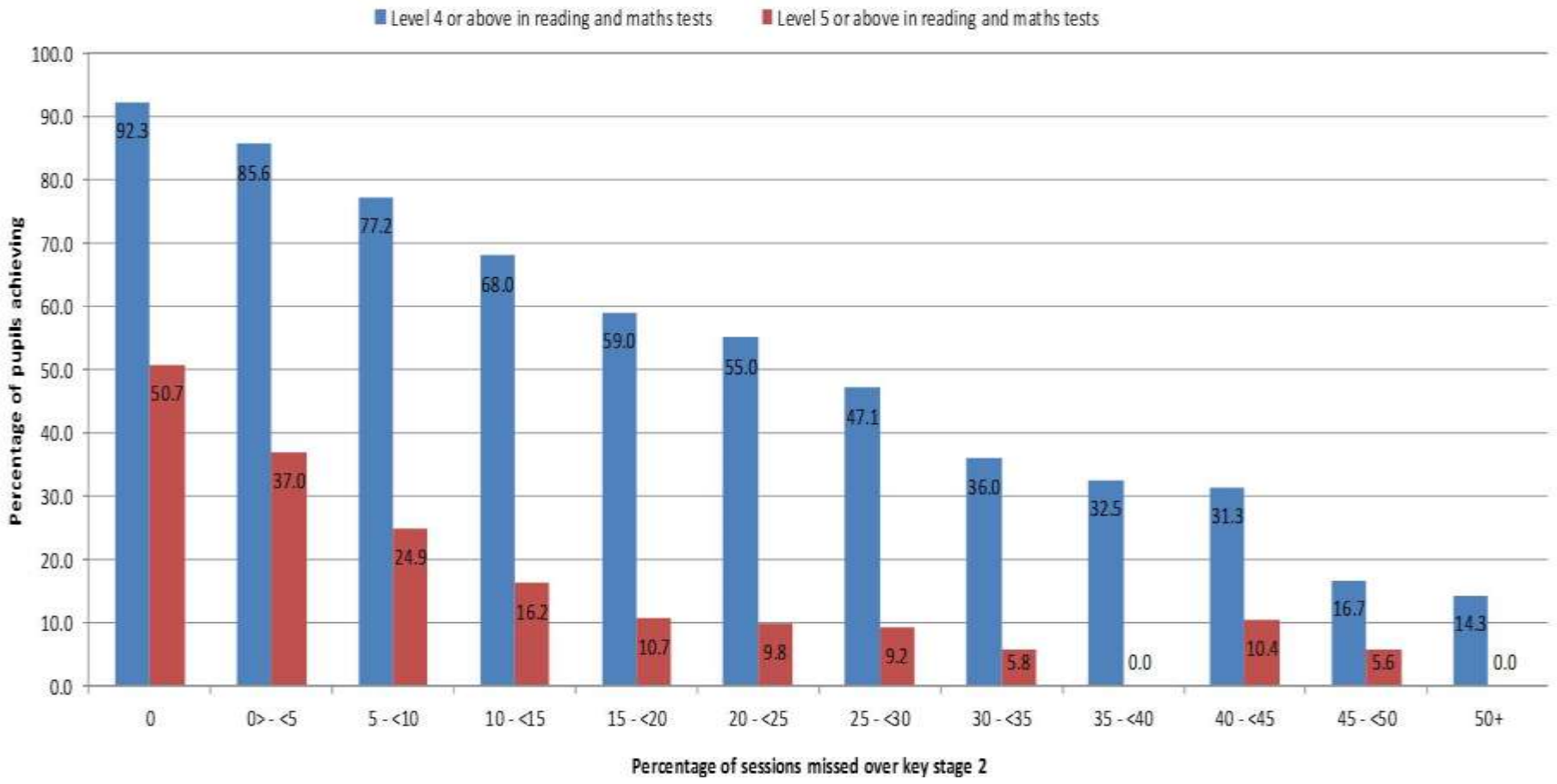
# SO…

# New DfE release „Achievement & Attendance




| | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Number of pupils at end of key stage 4 in each corresponding absence percentage point band | 14,990 | 298,220 | 130,850 | 46,845 | 18,185 | 8,590 | 4,870 | 2,805 | 1,920 | 1,280 | 865 | 2,515 |

# New DfE release „Achievement & Attendance“ KS2




| | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Number of pupils at end of key stage 2 in each corresponding absence percentage point band | 1,630 | 311,415 | 113,515 | 22,855 | 4,975 | 1,310 | 460 | 170 | 75 | 50 | 20 | 40 |

# Penalty Notice Warnings going forward…

## Section 4.1 of Legal Measures Guidance

# Who do we issue the PN or PN warning to?

## Section 4.2 of Legal Measures guidance & Sections 1.3 and 6.3-6.4 of Code of Conduct (new)

1.3: The definition of a *parent* includes: all natural parents, whether they are married or not; any person or body who has parental responsibility for a child; and 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 their relationship with that child, is considered to be a parent in education law (see Section 576 of the Education Act 1996 and the Children Act 1989).

# Understanding the new process: Penalty Notice Warnings:

The Law ref: warnings

1. PN Warning letter – ongoing Unauthorised absence
2. Other methods of issuing a PN warning to parents: exams, leave of absence form

**Consider:**

- School Policy
- Ensure parental understanding of Unauthorised codes

# Who can issue the PN?

1. The Authorised person (s) in school
2. The Authorised person(s) in LA or Police

## Section 2.5 of County Guidance

- The headteacher is the authorised person
- They can identify a deputy headteacher and there is administration that will be delegated**. However it is the headteacher who maintains overall responsibility & their signature is required on both the penalty notice warning, Penalty Notice, and any pupil registration certificate corresponding to the warning or notice issued.**

- Every school must inform Hampshire County Council who additional „authorised school" personnel are. The county council will hold a register of the „Authorised Persons" in each school and will circulate an annual register via a schools communication to allow any change in details to be updated and enable schools to requests further training or information.

# School or LA? Guidance Flowcharts and section 5.2

Where unauthorised absence is at the levels defined in the code of conduct, is parentally condoned and there are no other identified child or family needs….

Authorised Persons in **schools should either refer to ALP or issue a penalty notice warning or PN if they meet the thresholds and a PN is the correct sanction**

# Withdrawal of a Penalty Notice

- No right of appeal for parents
- Reasons for withdrawal issued incorrectly, the absence does not meet the code of conduct thresholds
- If a PN warning letter has been issued what constitutes ongoing improvement????
- Email penaltynotices@hants.gov.uk and explain the reason for withdrawal of the penalty notice giving the PN number. This has to be completed as the tracking has started at LA level and unless you stop the process the case will seen as not paid and process to court will start.

- If procedures have been followed this should never normally need to happen

# Isle of Wight Case

- **Hampshire's current legal position regarding penalty notices for unauthorised absence from school remains unchanged.**

# Isle of Wight Case

- Following the recent decision by Isle of Wight magistrates to not hear a case against a father who removed his child from school for a holiday during term time, we wish to clarify for all our parents and carers both the current implications of this case; and the current position on absence from school particularly regarding holidays during term time.

The first is that:

- The Isle of Wight decision did not set a legal precedent, because magistrates‟ decisions are not binding on other courts.
- Headteachers must continue to comply with the 2013 amendment to the **Education (Pupil Registration) (England) (2006) Regulations 2013** which means that they cannot authorise a leave of absence from school unless it is exceptional.
- Parents/carers must comply with Section 444 of the Education Act 1996 that states that

# Isle of Wight Case

- “(1) If a child of compulsory school age who is a registered pupil at a school fails to attend regularly at the school, his parent is guilty of an offence.”
- “(1A) If in the circumstances mentioned in subsection (1) the parent knows that his child is failing to attend regularly at the school and fails without reasonable justification to cause him to do so, he is guilty of an offence.”
- Despite the recent decision of the magistrates on the Isle of Wight (which is subject to appeal) parents and carers can be failing to comply with section 444 of the Education Act if their child has unauthorised absences even if those unauthorised absences are for a family holiday.
- As such all Local Authorities and their Headteachers must continue to follow the law on attendance and implement the government‟s guidance around attendance. This remains the legal expectation for all education authorities, and supports children in attending their statutory entitlement of 190 days per year. As a result the Isle of Wight and Hampshire County Council has reviewed the legal position in relation to the code of conduct for issuing penalty notices for unauthorised absence from school, and **our code of conduct currently remains unchanged.**
- It is of vital importance that all of us – the local authority, families, schools and children – do all we can to ensure children achieve the highest levels of attendance.

# Isle of Wight Case

**I have recently received a penalty notice, does the case on the Isle of Wight affect whether I should pay?**

- If you have received a penalty notice regarding school attendance, you are expected to pay this within the statutory period as detailed within the paperwork issued, or you may be subject to legal action.