

ATTENDANCE GOOD PRACTICE GUIDE 2009/10



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school day
matters** ✓

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Acknowledgement

This document has been prepared by Torbay Attendance Improvement Officers to assist Torbay schools in managing attendance. The document will be reviewed and updated on an annual basis and in response to Government legislation.

We consulted with schools in relation to what specific guidance was needed and required

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This document can be made available in other formats and languages. For further information please contact 01803 208228.

Referrals to the Attendance Improvement Service

Referrals relating to school attendance issues are usually made by schools. There are, however, occasions when other agencies/services or parents may make a referral.

The referral indicator is currently set at 85%. Therefore, although there is some discretion (for example when the school knows that there has been a single case of serious illness which temporarily lowers attendance levels to 85% or below) generally this should be the point that the school chooses to refer to the Attendance Improvement Service.

The overwhelming majority of referrals will relate to issues of non-attendance (referrals are occasionally taken in relation to transport or school age employment issues).

Referrals will usually only be accepted in relation to absence which has not been authorised by the school. (Only in exceptional circumstances will referrals in relation to authorised absence be accepted).

Referrals may be made when:-

- a pattern of irregular attendance has developed
- a period of entrenched non-attendance has begun
- communication by the school to the parents has met with little or no response
- there is evidence of a lack of parental co-operation in ensuring a child's regular attendance
- a pattern of post-registration truancy is persisting despite the school's efforts to prevent it
- a parent withdraws a pupil from school having expressed an intention to educate him or her otherwise than at school (Elective Home Education)
- a pupil is withdrawn from school by the parents who are moving to another area and the school does not have a confirmed destination school/provider where the child will resume his or her education (such pupils will be treated as "children missing education")
- a pattern of persistent lateness has developed
- there are specific and identifiable issues which are preventing a pupil from accessing education.

Before accepting a referral from a school the Attendance Service Team Manager will expect the school to have first undertaken a number of steps to address the pupil's non-attendance. These would include:-

- action by the class teacher/form teacher
- action by the Head of Year (secondary) or Head or Deputy Head (primary)
- Contact with parents; Torbay encourages schools to work to a '3-letter system', the use of which involves the school sending a sequence of letters of concern to the parents before formally involving

the locality team. This should be time framed and should be sent out at two week intervals with the final letter stating that a referral will be made to the Attendance Improvement Service.

Referrals are made through the Common Assessment Framework (CAF) process. There are two forms of referral that can be made.

- The single service attendance CAF
- The full CAF.

The single service attendance CAF is comparatively simplistic and requires the referrer to fill out pages 1, 3 and 5 of the form, and the referrer's signature on page 8. A current attendance printout should also be provided as well as evidence of letters sent/support already offered by the school. This should be used when the school deems that there are simplistic reasons for non attendance and where there is no consent from parents to complete a full CAF form.

If schools already know or suspect that there are a large number of social, cultural, family or environmental issues impacting on a child's attendance then a full CAF form should be completed where possible, so that the family's needs can be accurately assessed and a number of services offered that will help solve a wider range of issues. This will save time and also ensure families are offered the right help early on. The full CAF will need to have parental consent and signature, also the signature of the referrer.

All referrals to the Attendance Service are entered on the CAF database and, when accepted, referrals and case notes will be entered on the PARIS database. These databases are used in accordance with the requirements of the Data Protection Act.

Lateness

The issue of persistent lateness can be a complex one. However, persistent lateness means that ultimately a child or young person's education is being disrupted to some degree.

Lateness can be a symptom of other difficulties, and it has been proven that regular lateness can lead to an increased likelihood of the child not coming into school at all. To ensure that schools and the local authority work towards the five Every Child Matters outcomes, it is important that lateness is dealt with consistently and appropriately and that intervention is implemented at the earliest opportunity (if it is needed). Given the link between lateness and unauthorised absences, the following points are indicators of what could be good practise, and if followed, may ultimately improve overall attendance in the long run.

What constitutes persistent or problematic lateness?

- Regular lateness, either before registration closes or afterwards. This could be a pattern of lateness.
- Regular lateness that has not improved, or indeed worsened, after intervention from the school.

How can this be dealt with by Attendance Improvement Officers (AIOs)?

What is our role? What is the point where we become involved?

- When there is a pattern of “late after registration closed” as these are classed as unauthorised absences.
- Our role would be to advise and take action if required; particularly if the amount of unauthorised lates falls below the threshold for AIO involvement.
- Regarding regular “late before registration closed”, the Attendance Improvement Service lateness monitoring form should be used so that reasons for the lateness can be uncovered. With the information gathered from this form, it may be appropriate to engage the family in the CAF process. If this is not deemed appropriate or the parents refuse to engage, the form will act as an indicator of reasons for lateness for both the school and the parent. After the lateness monitoring form has been used, there should be a five day monitoring period. If the persistent lateness continues the school should write to the family raising the concerns over the lateness and a meeting should be arranged between the family and school to further discuss reasons for lateness and possible solutions. A further five days monitoring period should then be implemented. If there is still no improvement, the Attendance Improvement Service should be notified.

If there are a considerable amount of lates before registration closes it may be possible to prosecute as parents could be deemed to be in breach of their duty “to ensure an efficient, full time education.” (Section 7, Education Act 1996). although this is a bit of a grey area.

Before this will be considered as a prosecution case, the school has to have demonstrated that they have tried a number of strategies for both pupil and parent. Evidence needs to be very precise relating to the amount of time missed and there is a need for the full backing of the local authority’s solicitor.

Based upon the evidence, what might be the best practice for schools?

- To have unambiguous and clear guidelines that everyone adheres to and therefore applies consistently.
- Early intervention/monitoring of “late before registration closed”, as this could be an indicator of future deterioration in attendance and to take and take appropriate action /intervention at an early opportunity in order to attempt to stop these punctuality issues becoming non attendance issues (to prevent a deterioration of the situation).
- Prompt interventions regarding “late after registration closed” as these are recorded as unauthorised absences and hence are ultimately prosecutable.
- Regular liaison with AIOs regarding queries about persistent lateness and what actions could be taken. This can become part of the allocated AIO visits or can be arranged as ‘ad hoc’ meetings.
- To reinforce a reward system for improved punctuality and attendance.
- To recognise and deal with responsivity/diversity issues effectively and fairly, with the consideration of vulnerable individuals, or groups of individuals, in specific schools or areas.
- To record accurately all the lates, times and reasons (when given). This is useful for identifying possible

interventions and ultimately for evidence in prosecution if it came to it.

- To review the processes and their success/failure regularly and promote what works.
- Promote the use of penalty notices for persistent lateness if appropriate

Holidays during term time

How does taking holidays in term time effect learning? Why shouldn't schools authorise term time holidays?

Absence during term-time as a result of term-time holidays interrupts continuity of teaching and learning, disrupts the educational progress of individual children and creates disruption in schools.

Research suggests that children taken out of school may never catch up on the work missed. This may affect test results and can be potentially harmful if a child is studying for final year examinations.

What is the Government policy on holidays during term time?

Under Section 444 of the Education Act 1996 parents of a child of compulsory school age are under a legal duty to ensure the regular attendance of that child at the school where he/she is a registered pupil. Failure to fulfil this duty may result in the local authority prosecuting the parents

Regulation 8 of the Education (Pupil Registration) Regulations 1995 gives schools discretionary power to grant leave of up to 10 days for the purpose of an annual holiday during term time. This is not an entitlement and parents cannot expect leave of absence for the purpose of a holiday to be granted.

It is expected that all schools should produce policy on what is expected in terms of term time holiday. It is advised that schools challenge requests for term time holiday. Schools are also legally required to set targets to reduce overall absence which would include absences through holidays in term time.

Due to the geographic/demographic make up of Torbay, there are statistically higher levels of families who are engaged in seasonal employment. Due to this, for some families who are directly involved in such work holidays cannot be reasonably taken during out of school term periods.

Government legislation clearly states that there should be a link between the acceptance of holidays in term times and general attendance levels. Parents should be made aware that in general if leave is requested, it is unlikely to be granted if:

- Your child's attendance record is less than 95%; even if any previous absence was due to unavoidable causes such as illness.
- The period of leave coincides with the start of term, or is near to, or coincides with, tests, SATs, exams or other significant events in the school calendars.

What should schools be doing to actively discourage term time holidays?

- Creating clear guidelines and policy for parents/carers on what is expected and why uninterrupted education is so important.
- The school should make parents aware of the school term dates and exam dates in advance

If leave is taken without authorisation, it will be recorded in the school attendance register as unauthorised absence. Subsequently they may be referred to the Attendance Improvement Service, who may take further action, which could result in a Court appearance and a fine. It is likely that fixed penalty notices will be introduced for those families who choose to take their children on holiday without being granted permission by the appropriate school/s. National level research has shown this as an effective intervention and in appropriate situations is something that can be seen as a possible intervention in targeting actions that lower attendance levels.

Children in Employment

In this section there are some basic facts regarding children and young people in employment:

- The youngest a child can work part-time is 13 years old.
- Exceptions to this rule are children working in television, theatre, modelling etc. These need a performance licence.
- These are issued by the local authority after liaison with the school's head teacher to ensure that the child's education will not suffer if a licence is granted.
- These children need to be chaperoned – these are licensed by the local authority.

Children cannot work:

- without an employment permit issued by the education dept
- in an industrial setting – factories etc.
- during school hours
- before 7.00am or after 7.00pm
- for more than 1 hour before school
- for more than 4 hours without taking a break of at least 1 hour
- in any work harmful to health, well-being or education
- without having a 2 week break from any work during the school holidays in each working year.

In term time:

- Children can work a maximum of 12 hours per week.
- A maximum of 2 hours on school days and Sundays.
- A maximum of 5 hours on a Saturday (13 to 14 year olds).
- A maximum of 8 hours on a Saturday (15-16 year olds).

In the school holidays:

- 13 to 14 year olds can work a maximum of 25 hours per week – comprising of a maximum of 5 hours on weekdays and Saturdays, and 2 hours on a Sunday.
- 15 to 16 year olds can work a maximum of 35 hours per week – comprising of a maximum of 8 hours on weekdays and Saturdays, and 2 hours on a Sunday.

Employers must inform the local council if they have employed a school-aged child. The council issues an employment permit, and a child is not insured without one of these. No permit is needed for work experience.

Young workers

Compulsory school-age children as classed as child workers. Those who are under 18 but over school leaving age are classed as young workers. Young workers:

- are not normally allowed to work over 40 hours per week
- cannot work over 4.5 hours without having a 30 minute break
- have to have at least 12 hours uninterrupted rest in a 24 hour period
- must have 2 full days off each week.

Night working

The laws in this area can be very complicated. In general, young workers cannot work between 10.00pm and 6.00am (although this can be changed to 11.00pm and 7.00am).

There are exceptions, these are; hospitals, agriculture, retail, hotels or catering, post or newspaper delivery, cultural, sporting, artistic or advertising activities, on ships and in the armed forces.

A child worker is not allowed to work at night.

Children Missing Education

The government has placed a duty on local authorities (Education and Inspections Act 2006) to make arrangements to establish (so far as it is possible to do) the identities of children in their area who are of compulsory school age and are not receiving suitable education.

The national definition of a child missing education is:

“all children of compulsory school age who are not on a school roll, nor being educated otherwise (e.g. at home, privately or in alternative provision) and who have been out of any educational provision for a substantial period of time”.

Children missing from education in this document refers to all children of compulsory school age who are not on school roll, nor being educated otherwise. It also refers to any child whose name will be deleted from a school's admissions register (after the school and local authority have made reasonable enquiry to locate the pupil before the decision is made) because they have continuous unauthorised absence from school for a period of 20 school days; leave school and future provision is unknown or fail to return from extended leave within 10 school days.

Children missing education will also include the following pupils:

- Pupils who have moved into the area and are not yet on a school roll. In addition to this group of pupils there may be other pupils who are not on school roll for any other reason than permanent exclusion.
- Pupils in receipt of alternative educational provision but not on a school roll (including permanently excluded pupils)
- Pupils with a statement of special educational needs awaiting an appropriate placement
- Those pupils offered alternative provision but do not access this provision
- Long term non attenders (defined as those who have not attended school for six consecutive weeks)
- Pupils who are on a limited part time provision.

Notification and referral routes

There is a fundamental principle that all officers of the local authority and other partners have some level of responsibility around the issue of children missing education. If anybody is aware of any child or young person who does not appear to be accessing education appropriately they should make a referral.

The new statutory duties under the Education (pupil registration) Regulations 2006 requires that all education providers must begin enquiries as to the whereabouts of the child and family within 10 school days or sooner. If enquiries do not locate the pupil and family then a referral should be made to the Attendance Improvement Service.

Referral routes

If you are aware of a child missing education (in whatever capacity), you should notify the Attendance Improvement Service. This can be done in a number of ways:

- CME referral form
- S2S lost pupil database
- Email to an Attendance Improvement Officer
- Telephone call to an Attendance Improvement Officer

Although the following list is by no means definitive, referrals should be made if;

- A child leaves a Torbay school without the school being advised by the parent which new school the child is to attend; or
- A child has not returned from a holiday or an extended holiday within two weeks of the expected date of return and the school have taken reasonable steps to contact the parents, or
- A child fails to attend the new school following a transfer or phases, or
- There has been 10 consecutive days of non attendance and the school has been unable to contact the parents.

Under the terms of the Register Regulations, a school can delete pupils who have at least 20 continuous school days of unauthorised absence, but it is not mandatory. The pupil should remain on the school register until all reasonable enquiries are completed even if this means that the pupil will amass more than 20 days absence.

It is important to realise that if the child is on the child protection register or if the school has particular child protection concerns, they should immediately notify the local social work team immediately.

Notification and initial assessment

When notification is received regarding a child thought to be missing education, the Attendance Improvement Officer will add the child's name to the CME list.

The CME officer will investigate the referral and respond to the referrer when all enquiries are completed. Where possible this response will be sent by fax or email to the referrer within 10 working days.

The CME officer will check the centrally held the centrally held databases for any details. If there is no evidence of educational provision, the Attendance Improvement Officer will seek to make contact with the parents or carers as a matter of urgency to establish what arrangements are in place for the child or young persons education.

Where no satisfactory response is received from the parent, the Attendance Improvement Officer will undertake a home visit to check on the circumstances (or known contacts) and with neighbours as appropriate.

If all reasonable enquiries have been made to the whereabouts of the child and no concrete evidence has been attained relating to the child's location the Attendance Improvement Officer will hold a CME case review meeting with their manager. If it is agreed that no more can practicably be done to resolve the case, the child will remain on the national CME database but the local investigation will be closed.

Determining the child's needs

Once a child has been identified as missing education, and contact established with the family, it is crucial to undertake an assessment of the child's need in order to identify an appropriate placement.

Identify available provision and places

The CME officer will work closely with the school admissions team to secure a school place for children identified as not being in education. The admissions team keep a regularly updated record of vacant places in all maintained schools across the Bay.

Children moving schools

Under normal circumstances when a child moves school, the receiving school must contact the previous school to inform them that they have placed the pupil on roll. In response to this, the previous school must complete a Common Transfer Form (CTF) and transfer this file to the new school via the secure data transfer site, referred to as school-to-school (S2S)

If a school knows which school a pupil is moving to they should insure that the common transfer file (CTF) is sent to the receiving school via S2S as quickly as possible. The new school may then apply for the full school record.

If the new school is unknown, the CTF should be coded xxxxxx (destination unknown) or MMMMMMM (moved to independent sector our out of country) and uploaded in the usual way. These records are then stored in a secure area of S2S known as the lost pupil database.

The purpose of this nationally used system is to avoid pupils going missing.

Where a pupil leaves a school and no notification of a new school has been received within four weeks of their leaving their details must be posted on the S2S site in accordance with the DFES S2S instructions. This enables LEA staff on a national basis to see who is missing and provide fresh information where possible.

CME monitoring processes

To ensure those missing education are known to the local authority, there will be a number of routine information sharing/gathering processes.

The Attendance Improvement Service has a statutory duty to inspect school registers and ensure that they are being kept in accordance with regulations. This will include regular monitoring of pupils who have been removed from roll to ensure that legislation on this matter is followed and to ensure that no child or young person is allowed to 'disappear' from a school roll.

The Attendance Improvement Service will also collect data on Looked After Children that are placed within the local authority to ensure that they are educated appropriately.

There will also be bi-monthly checks on the EHE database to ensure that those parents who have informed schools that they wish to electively home educate their child/ren are following the correct procedures and timeframes.

Regular conversations will occur with the Torbay missing children police officer to ensure that so that those children who regularly MISPER are still receiving suitable and adequate education.

The Attendance Strategy on Absences

Acceptable reasons for the authorisation of absences are:-

- Emergency medical/dental appointments (1)
- Family bereavement
- Illness (2)
- Days of religious observance (3)
- Holidays (up to 10days) (4)

- 1) All routine (non emergency) appointments should be made outside of school hours
- 2) Where a child has continuous and frequent absences due to sickness they should be asked to produce a medical certificate/or confirmation that they have attended the surgery on the 5th day of illness or for each time of illness after the child's attendance has dropped to below 90%/85% whichever will be applied.
- 3) These must be agreed by the headteacher beforehand and should be referred back to the school policy of previous attendance at being 90% or more.
- 4) Holidays may be granted up to ten days during term time but this is dependant upon reference to the schools internal policy which may exclude certain dates and should be dependant upon achievement of a certain level of attendance in the 12 months prior to the application.

Non authorised absences would include:

- Shopping
- Birthdays
- Holidays not agreed
- Visiting relatives
- Routine medical/dental appointments
- Caring for family

Pupils should not be marked present if they were not in school during registration. Activities outside of the school day should not be recorded as present at registration for a session during the school day.

Pupils who are present at facilities or provision in school other than mainstream sessions such as learning support units and 'internal exclusion' rooms are recorded in the same way as other pupils.

If a pupil were to leave the school premises after registration they would still be counted as present for statistical purposes.

The afternoon registration must take place during the start or during the session, not at the end of the previous session or during the break between sessions.

DCSF advises schools should close the register to pupils 30 minutes after the register was taken. It also advises schools against leaving the register open for the whole session.

Parenting Contracts

Overview

A parenting contract is a formal written agreement between a parent, the local authority and the school and should contain:

A statement by the parent that they agree to comply for a specified period with whatever requirements are specified in the contract, and;

A statement by the local authority/school agreeing to provide support to the parent for the purpose of complying with the contract.

Entry into a parenting contract is voluntary. The parent cannot be compelled to enter into a parenting contract and there is no obligation on the local authority or school to offer one.

Parenting contracts are a useful tool in identifying and focusing on the issues behind the non-attendance or misbehaviour and in developing a productive relationship with parents to address the issues.

Types of support that might be included in a parenting contract

Parents can often be unaware of the different types of support available and the local authority/school should provide information about this and give contact details of appropriate agencies and help lines. Other useful support may include family group conferencing, peer mentoring, parenting classes, literacy classes, benefits advice/ substance misuse advice, the provision of a key worker for the parent and help with transport to and from school.

The local authority/school may agree to supply support in the form of a parenting programme. The contract may specify that the parent is required to attend the sessions of any such program.

Dealing with non compliance

The local authority or school should be working with the parent to gain their cooperation and compliance with the contract but will have to judge whether any non compliance is reasonable and whether the contract

remains useful and should continue.

Failure by parent, school or local authority to keep to the terms of the parenting contract cannot lead to action to breach of contract for civil damages. There is no sanction for a parent's failure to comply with, or refusal to sign a parenting contract. However, the court will be required to take any failure to comply with, or enter into the contract into account in deciding whether to make an order.

It is, therefore, important that any non compliance with the contract is recorded so that it can be presented to the court if necessary.

Every instance of non compliance identified should have a response. The person responsible for overseeing the contract should contact the parent to seek an explanation within one working day of the discovery.

If the explanation is reasonable and the contract is still proving useful then this should all be recorded and the contract should continue as normal.

If no explanation is given or the person responsible for overseeing the contract is not satisfied with the explanation, they should serve the parent with a warning. If there are further instances, they should arrange a meeting with the parent to review the contract and discuss how it can be made to work.

Reduced Timetables

There are two main reasons why a reduced timetable may be deemed appropriate, however, this list is not exhaustive.

- Reintegration for pupils who have not attended school for a period of time due to illness, disability, mental health issues, or family circumstances etc.
- As a method for managing pupils at risk of exclusion. However this should only be implemented after all other strategies have failed, and best practice is adhered to).

It is important that schools realise that gradual reintegration is the desired aim of any reduced timetable. It may be appropriate to utilise the CAF process so that it is possible to determine whether any additional help and support would be necessary.

School must satisfy itself that a reduced timetable is an appropriate intervention given the needs of the pupil.

It is essential that attendance registers reflect the agreed arrangements for the pupils education and welfare during any absence from school. Pupils who are only required to attend part time should be marked appropriately as absent, unless alternative education is being provided.

Another important consideration for schools is that many pupils (although not all) on reduced timetables are statemented, so the good practise guidelines in this area will often have strong links to the guidelines surrounding SEN. Diversity needs will have an increased likelihood of being more prevalent in these pupils.



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