

ATTENDANCE POLICY AND PROCEDURES

MISSION STATEMENT

We are growing together on our journey of achievement with Jesus in our hearts, heads and hands.

POLICY STATEMENT

This School's Attendance Policy is set in consideration and consequence of the provisions of the following;

- *The Education Act 1996*
- *The Education (Pupil Registration) (England) Regulations 2006, as amended by The Education (Pupil Registration) (England) (Amendment) Regulations 2013*
- *The Education (Penalty Notice) (England) Regulations 2007, as amended by The Education (Penalty Notices) (England) (Amendment) Regulations 2012 and The Education (Penalty Notices) (England) (Amendment) Regulations 2013*
- *Department for Education Guidance as from time to time issued in respect of school attendance matters*

Introduction

All children of compulsory school age have the right to an efficient full-time education, regardless of age, aptitude, ability and any special needs s/he may have. The Education Act of 1996 states that a parent is responsible for ensuring their child attends regularly and punctually. Regular school attendance is essential if a child is to make the most of the educational opportunity available to them.

The Court has determined that "Regular" attendance means that which is "*in accordance with the rules prescribed by the school*" (*Isle of Wight Council -v- Platt* (6th April 2017) [Supreme Court] [2017] UKSC 28 (on appeal from [2016] EWHC 1283 (Admin)).

St. Joseph's Catholic Primary School takes seriously its responsibility to monitor and promote the regular attendance of all its pupils. It acknowledges that irregular attendance seriously disrupts continuity of learning, undermines educational progress, can lead to underachievement and low attainment and impedes the child's ability to develop friendship groups within school.

POLICY AIMS

Parents, guardians and carers must ensure that they are fully aware of the school's policy concerning required attendance and with regard to the authorised and unauthorised absences of its pupils. This document details the responsibilities of individuals and groups involved and the procedures in place to promote and monitor pupil attendance. The Governing Body has appointed the Pupil Welfare governor to oversee attendance matters.

POLICY CONTENTS

1. Absence	2
2. School practice	2
3. Term time leave of absence	3
4. The role of school management	5
5. The role of the Education Welfare Service	6
6. Promoting good attendance.....	6
7. What parents can do to help	6
8. The role of the governing body	7

APPENDIX I – BFC Penalty Notice Proforma

APPENDIX II – Fixed Penalty Notice Form

APPENDIX II – St Joseph's Leave of Absence Form

APPENDIX III – Flexi Schooling Policy

1. ABSENCE

This school expects its Pupils to attend school for the entire duration of the academic year, unless there are good reasons for the absence and the absence is authorised.

There are two main categories of absence:

Authorised absence is when the school has accepted the explanation offered as satisfactory justification of the absence or given approval in advance for the absence.

Unauthorised absence is when the school has not received a reason for absence or has not approved a child's absence after a parent's request.

Please be aware that when a parent telephones the school with information that their child is unable to attend due to illness or other circumstances, this may not be automatically authorised. Your child's current and previous school attendance will be taken into consideration and as a result the absence may not be authorised.

Keeping your child off school with minor ailment such as headache or cold is not acceptable. Repeated absence will require us to request that you obtain evidence from your doctor's surgery, such as a stamped appointment card or a prescription. Please note that the school is not asking any parent to incur a charge for this information and will not be liable for the cost.

2. SCHOOL PRACTICE

School starts at 8.50a.m. Registers are taken immediately; they are taken again at the start of the afternoon session.

A child who arrives after the taking of the register is marked as late and the reason given and the number of minutes, they are late are recorded. The number of minutes late each month may be monitored.

A child who arrives after the registers close at 8.50 a.m. is marked as absent in the register.

Parents/guardians should always telephone the school office on 01344 425246 or send an e-mail (secretary@office.stjosephs.bracknell-forest.sch.uk) if their child is not attending school by 9am.)

The School Secretary will telephone parents on the first morning of an absence if notification has not been received.

Written verification maybe required when the child returns to school.

Registers are checked regularly and where there is an unexplained absence, a written request will be sent for an explanation.

After three weeks, the absence will be marked as unauthorised if no reason is provided.

Regular analysis of absenteeism will be carried out and letters/emails will be sent to parents if attendance falls below expected level (95%).

If attendance does not improve, parents may be called in to discuss the matter with the Headteacher/Deputy Headteacher.

If there is no improvement, parents may be called in to go through an attendance action plan with the Headteacher/Deputy Headteacher.

Further absence may result in referral to the Education Welfare Service and may result in a Fixed Penalty Notice or prosecution.

Lateness

Parents and carers are expected to bring their child to school on time. A child arriving after registration i.e. after 8.50am is disruptive for the class and embarrassing for the child. Vital information is given at the start of the school day and the child's learning may be affected if he/she is not present for the full session. Punctuality is an important life skill. Persistent lateness will be followed up by the school and may be referred to the Education Welfare Service if it continues.

A pupil arriving late:

- Should enter the building through the main entrance and report to the school office.
- Will have their name entered in the late register with the reason for the late arrival.
- Will be sent to/taken to their classroom.
- May be required to make up the time lost.
-

Parents are not permitted to take their child to the classroom as this disrupts teaching. If the arrival at school is after the registers have closed, the pupil will receive a 'U'. This equates to an absence although we are aware that the pupil is on the school premises in accordance with health and safety requirements.

If a pupil is late due to a medical appointment, they will receive an authorised absence coded 'M'. Please be advised that where possible doctors and dentists appointments should be made outside of school hours or during school holidays. You may be asked for proof of the appointment.

3. TERM TIME LEAVE OF ABSENCE

At St. Joseph's School we believe term time absences should be actively discouraged. Our purpose is to ensure that your child achieves to their full potential and there is a clear link between poor attendance and underachievement.

However, we recognise that there may be occasions where a parent considers there are extenuating or compassionate reasons for such absence. As outlined in the Education (Pupil Registration) (England) (Amendment) Regulations 2013, the Headteacher will decide if the circumstances are "exceptional" and thus whether or not the absence will be "authorised".

Parent Action

Parents must request leave as far in advance as possible, giving at least 2 weeks' notice.

The request, to be made by the parent with whom the child normally resides, must be made in writing using the "Application for Leave of Absence During Term Time" form available from the school office. The parent will be advised to meet with the Headteacher/ Deputy Headteacher to discuss application.

The request must include the reason why it is felt necessary to take leave during term time (the "exceptional" circumstances). Parents will be required to produce proof for reason for request, where possible.

- Leave of absence will only be granted where the Headteacher considers it is due to 'exceptional' circumstances. Parent will be informed by letter within 5 school days as to whether the request has been authorised or unauthorised.

School Action

On receipt, the Headteacher of the school, or such person as duly authorised by the Headteacher to do so on their behalf, will consider the submitted application for leave of absence during term time and will take in to account the/any reason as given by the parent for seeking such leave of absence ahead of deciding whether or not such given reasons are, in their view, "exceptional" to merit the granting such leave of absence during term time.

The parent who submitted the application for leave of absence during term time will be notified by the school by letter and within 5 working days of the school's decision in response to the application.

Term time absence taken without authorisation may, where the criteria for doing so is met, be referred by the School to the Educational Welfare Service.

Referral may result in prosecution proceedings, or a Fixed Penalty Notice being issued in accordance with Bracknell Forest Council's *"Code of Conduct and Protocol for The Issuing Of Fixed Penalty Notices"*.

As a school we agree and endorse Bracknell Forest Council's "Code of Conduct and Protocol For The Issuing Of Fixed Penalty Notices (Revised June 2017).

If a Fixed Penalty Notice is issued, a separate Notice may be issued to each parent for each child. THE RATE PER PARENT PER CHILD WILL BE £60 IF PAID WITHIN 21 DAYS AND RISING TO £120 IF PAID BETWEEN 22 AND 28 DAYS.

If an issued Fixed Penalty Notice is not paid within the prescribed time limit for payment, each parent may be liable to prosecution at the Magistrates' Court for an offence contrary to Section 444 Education Act 1996, (failure to secure regular attendance at school of a registered pupil of compulsory school age), in the same way as if the Fixed Penalty Notice had never been issued.

The purpose of the Fixed Penalty Notice, where it is considered appropriate for such Notice to be issued, is to give a parent the time limited opportunity to avoid prosecution for a substantive offence contrary to Section 444 Education 1996. Any such prosecution following non-payment of an issued Fixed Penalty Notice will be for a substantive offence contrary to S. 444 Education Act 1996, rather than for non-payment of an issued Fixed Penalty Notice.

Prosecution for the substantive offence, if proved, may, in respect of the less serious offence contrary to S. 444(1) Education Act 1996 (being the parent of a child of compulsory school age who fails to regularly attend school), result in each such parent receiving a criminal conviction and /or Sentence by way of a Fine not exceeding £1,000.00.

Prosecution for the substantive offence, if proved, may, in respect of the more serious offence contrary to S. 444 (1A) Education Act 1996 (where the parent knows that the child is failing to attend regularly at the school and the parent fails without reasonable justification to cause that child to regularly attend school), result in each such parent receiving a criminal conviction and / or Sentence by way of a Fine not exceeding £2,500.00 and / or to a term of imprisonment not exceeding three months, or else any such community based Sentence as deemed appropriate by the Court.

In addition, in all cases where one of the substantive offences is proved, the Prosecution will seek an Order for the Defendant to pay a contribution towards the Prosecution Costs of the case, including investigation costs, the application for which will be served upon the Defendants at the time of the relevant Court proceedings.

In addition, when a Court passes a sentence, it must also order that the relevant "Victim Surcharge" be paid by Defendants. Revenue raised from the Victim Surcharge is used by Central Government to fund victim of crime services through the "Victim and General Fund". The amount of the Victim Surcharge to be paid by Defendants depends on the type of Sentence imposed and, in the case of an adult offender receiving the maximum level of Sentence applicable for the type offences covered by this Attendance Policy, may result in a Victim Surcharge of up to £170.00 per Defendant / parent.

In addition to any other Sentence imposed, the Court has the ancillary power to impose a "Parenting Order", not exceeding 12 months in duration, on parents, where the Court considers such an Order appropriate. Any person found guilty of failing without reasonable excuse to comply with the requirement of a "Parenting Order" or with a direction of the nominated Responsible Officer in respect of it is liable to Breach proceedings and, in the event of conviction for the same, to a fine, not exceeding £1,000,00, and or any other non-imprisonable Sentencing option available to the Court in such case.

Authorisation for term time leave will not to given for the following reasons:

- Availability or cost.
- Extended holiday at the beginning or end of the term.
- A term-time booking made in error by the parent or another person.

Any absence that has not been authorised may be referred to the Education Welfare Service and, where the criteria for doing so is met, may result in prosecution proceedings or a Fixed Penalty Notice being issued per parent per child

There are 190 school days (380 sessions) a year which every child is expected to attend. There are also approximately 71 days (142 sessions) of school holidays. Parents should ensure that family holidays are taken during school holiday periods only.

4. THE ROLE OF THE SCHOOL MANAGEMENT

Pupils learn best when parents and staff work in partnership to maximise pupils' attendance at school and everyone is clear of expectations and procedures. We expect that as soon as your child starts their education at St. Joseph's Catholic School, you will abide by our attendance policy.

The staff at St. Joseph's Catholic School has an obligation to enquire and challenge the reasons for pupils' absences and/or lateness and do insist on written evidence for any such absences. There is also an expectation that the staff report concerns over absence and lateness to the Headteacher.

The school may send letters to parents, guardians or carers as to their child's current attendance level, unexplained absences or lateness or any other concerns.

The school collects information daily and weekly from the registers on absences.

5. THE ROLE OF THE EDUCATION WELFARE SERVICE

The Education Welfare Service strives to support schools, parents and pupils with the aim of ensuring and promoting good attendance and punctuality. However, the Education Welfare Service also has a statutory responsibility under the Education Act 1996 to pursue non-school attendance and persistent lateness.

Section 444 of the Education Act states that "if a child of compulsory school age, who is a registered pupil at a school, fails to attend regularly at the school, the parents are guilty of an offence".

Bracknell Forest Council, through the Education Welfare Service, may issue a Fixed Penalty Notice or prosecute parents when children do not attend school regularly.

A Fixed Penalty Notice when requested by a Headteacher can be issued as long as the evidence for the request is robust and the following criteria are met: -

- Where there is a minimum of 10 school sessions of unauthorised absence (5 school days) in any 10-week period (these do not need to be consecutive)
- Where term time leave is taken without obtaining authorisation from the school
- Unwarranted delayed return from term time leave without authorisation
- Persistent late arrival after the register has closed (U code) on 10 or more occasions in a 10-week period
- Parents' or carers' failure to make arrangements to ensure that children who have been excluded from school are not in a public place at prescribed times during the first five school days of any exclusion, without reasonable justification*

*It is incumbent upon the parent(s) in such circumstances to provide proof of reasonable justification, for example, that the child or young person needed to attend a pre-arranged medical appointment, or a medical emergency requiring the child to be supervised elsewhere than at home.

A Penalty Notice will be issued on the first occasion if appropriate.

When a pupil is referred to the Education Welfare Service because of persistent poor attendance there are various actions that can be taken to try to bring about an improvement. The Fast Track Intervention framework promotes early intervention and aims to ensure that appropriate action is taken to tackle non-attendance as soon as attendance problems become apparent. Fast Track involves engaging the parent in specifying what improvements need to be made over a fixed time-frame (usually 8 weeks).

Parents have the responsibility for ensuring that their child attends school regularly. Where a parent fails in this responsibility and no improvement is brought about within the specified time frame, legal proceedings may be initiated in the Magistrates' Court.

6. PROMOTING GOOD ATTENDANCE

We celebrate excellent attendance throughout our school, by the following actions: certificates are awarded to individual children who excel in attendance.

- In assemblies we celebrate classes where there is consistent high attendance
- entrance display celebrating the winning class.

7. WHAT PARENTS CAN DO TO HELP

Please work with the school staff and ensure you are fully aware of the school's attendance policy as this has a huge impact on a pupils' learning.

Parents must:

- not condone your child's absences.
- telephone the school each day that your child is unable to attend school due to illness.
- send a written note to the school when your child returns.
- avoid appointments during the school day.

If parents, guardians or carers are worried about their child's attendance at school they should:

- talk to their child; it may be something simple that needs your help in resolving.
- talk to your child's class teacher in the first instance.

8. THE ROLE OF THE GOVERNING BODY

It is the Governors legal responsibility to monitor and evaluate the attendance in their school. The school's attendance figures are presented to the Governing Body on a termly basis.

Reviewed by J Dunlop.

Policy to be reviewed every three years or in accordance with any new legislation.

(Attendance procedures to be reviewed annually by Headteacher in conjunction with the School Office)

Policy to be the responsibility of the Curriculum and Standards Committee

Approved by the Curriculum and Standards Committee	
Chair of Curriculum and Standards Committee signature	
Date	
Review date	



Bracknell Forest Council

Code of Conduct & Protocol for the Issuing of Fixed Penalty Notices

This Code of Conduct and Protocol applies to all schools within the geographical jurisdiction Bracknell Forest Council, including Academy Trust Schools where they have adopted the provisions and effect of the same.

This Code of Conduct and Protocol is set in consideration and consequence of the provisions of the following;

- ***The Education Act 1996***
- ***The Education (Pupil Registration) (England) Regulations 2006, as amended by The Education (Pupil Registration) (England) (Amendment) Regulations 2013***
- ***The Education (Penalty Notice) (England) Regulations 2007, as amended by The Education (Penalty Notices) (England) (Amendment) Regulations 2012 and The Education (Penalty Notices) (England) (Amendment) Regulations 2013***
- ***Department For Education Guidance as from time to time issued in respect of school attendance matters***

Rationale

The Government has made it clear that it expects Local Authorities to have a Code of Conduct in place so that the full range of measures for improving attendance are available to schools. Regular and punctual attendance at school are both a legal requirements and essential if the children of Bracknell Forest are to achieve better outcomes in education and to maximise the opportunities available to them.

The impact of non-attendance at school is now clearly demonstrated in terms of low attainment, and risk of involvement in crime. DfE studies show:

- Only 10% of persistent truants achieve 5 A*-C GCSEs compared with 38% of occasional truants and 58% of non-truants.

- 21% of persistent truants had no qualifications, as opposed to only 3% of non-truants.
- Truants are more likely to offend and, of the group of young people offending, 2/3 had truanted.
- Unauthorised absence from school can be cause for concern in relation to child welfare and protection.

In law, an offence occurs if a parent / carer fails to secure a child's regular attendance at a school where the child is a registered pupil and if any absence is not authorised by the school. The Court has determined that "Regular" attendance means that which is *"in accordance with the rules prescribed by the school"*.¹

Penalty Notices are intended to be used as an early intervention strategy in order to deter patterns of unauthorised absence. They do not replace the use of wider powers under the Education Act 1996. They are suitable for use when there is a realistic expectation that the parent can cause an improvement in a child's attendance or in circumstances where a parent is not co-operating with measures being offered or recommended.

Legal basis

In February 2004, the Anti-Social Behaviour Act 2003, S.23, Sub-section 1 added sections 444A and 444B after S.444 of the Education Act 1996. These sections enable Penalty Notices to be used as an alternative to prosecution and provide parents with the opportunity to discharge liability for conviction of an offence under S.444 by paying a financial penalty to the Local Authority.

The regulations governing the issuing of Fixed Penalty Notices and the requirements upon the Local Education Authority to draw up a code of conduct setting out measures to ensure consistency in the issuing of them are to be found under The Education (Penalty Notices) (England) Regulations 2007 (as amended).

Circumstances in which a Penalty Notice may be issued

A Fixed Penalty Notice can only be issued in cases of unauthorised absence.

A Penalty Notice may be an appropriate intervention in the following circumstances:

- Where there is a minimum of 10 school sessions of unauthorised absence (5 school days) in any 10-week period (these do not need to be consecutive)
- Where term time leave is taken without obtaining authorisation from the school
- Unwarranted delayed return from term time leave without authorisation
- Persistent late arrival after the register has closed (U code) on 10 or more occasions in a 10-week period

¹ Isle of Wight Council v Platt (6th April 2017) [SUPREME COURT] [2017] UKSC 28 (on appeal from [2016]EWHC 1283 (Admin))

- Parents' or carers' failure to make arrangements to ensure that children who have been excluded from school are not in a public place at prescribed times during the first five school days of any exclusion, without reasonable justification*

*It is incumbent upon the parent(s) in such circumstances to provide proof of reasonable justification, for example, that the child or young person needed to attend a pre-arranged medical appointment, or a medical emergency requiring the child to be supervised elsewhere than at home. A Penalty Notice will be issued on the first occasion if appropriate.

The first response to a "first offence" might be a written Formal Warning. This allows a parent fifteen school days to improve the attendance of their child. If an authorised absence occurs within that period, a Penalty Notice may be issued.

However, in the following circumstances a Penalty Notice can be issued without a Formal Warning having been issued previously:

- ten sessions or more of absence comprise of unauthorised absence (holiday or suspected holiday) in term time in any ten-week period,
- where the pupil has been referred to the Education Welfare Service by the school due to ongoing attendance concerns and there is an open referral

No more than two Penalty Notices will be issued per pupil per academic year. When two Penalty Notices have already been issued in an academic year the matter will be referred directly for prosecution for a third offence in the same year or in the following academic year.

Penalty Notices may be issued to parents of children of compulsory school age

- who are registered at a maintained school, academy, free school, pupil referral unit or special school in Bracknell Forest
- who are at special school outside the authority by virtue of a statement of special education needs or EHCP.
- For whom the authority has made alternative educational provision (whether or not in the area of this authority)
- Who are not, at the time the notice is given, a registered pupil at any school (whether due to permanent exclusion or otherwise) but resides in the area of this authority

Who can be issued with a Penalty Notice

Anyone defined as a parent under Section 576 Education Act 1996 is a parent for the purposes of these provisions. This means:

- all-natural parents, whether they are married or not
- any person who, although not a natural parent, has parental responsibility (as defined by the Children Act 1989) for a child or young person
- any person who, although not a natural parent, has care of a child or young person.

Having care of a 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.

A parent means each and every parent coming within the definition (whether acting jointly or separately) and should not be taken to mean that provisions only apply to parent in the singular. As with prosecutions under Section 444 Education Act 1996, a separate Penalty Notice may be issued (per parent, per child) to each parent liable for the offence.

Procedure for issuing Penalty Notices

Bracknell Forest Council as the Local Education Authority will receive requests to issue Penalty Notices through liaison with schools and by request from Thames Valley Police and/or neighbouring Local Education Authorities. These requests will be actioned providing that:

- All information deemed necessary by Bracknell Forest Council as the Local Education Authority is provided in the specified manner
- The circumstances of the pupil's absence meet all the requirements set out in this protocol
- The issue of a Penalty Notice does not conflict with other intervention strategies in place or other enforcement sanctions already being processed.

Penalty Notices will be issued by Bracknell Forest Council as the Local Education Authority and not by individual Headteachers or Thames Valley Police. The Penalty Notice will be issued by first class post and not in person or as an "on the spot" action.

The Team Leader, Education Welfare, will undertake investigations to ensure that the request to issue is valid and that all reasonable steps have been taken by the referrer.

Withdrawal of Penalty Notices

A Penalty Notice, once issued, can only be withdrawn in the following circumstances:

- When it ought not to have been issued, i.e. where it has been issued outside of the terms set out in this protocol, or where no offence has been committed
- Where it has been issued to the wrong person
- Where it appears to the authority that the notice contains material errors
- The Penalty Notice has not been paid and the LA has not, and does not intend to, instigate proceedings

Representations

Only a Headteacher, or person authorised by the Headteacher to do so, can authorise a child's absence from school. If the school maintains that a child's absence was unauthorised then, where above stated criteria for the issuing of such Fixed Penalty Notices are met, a uniquely and separately numbered Fixed Penalty Notice may result and such Penalty Notices may be

separately issued to, and thus separately payable by, each parent in respect of each child's irregular attendance at school.

There is no statutory right of Appeal against the Local Education Authority's decision to issue a Fixed Penalty Notice.

Any parent believing that a Fixed Penalty Notice has wrongly been issued to them, or has been issued to them not in accordance with the terms of this Code of Conduct and Protocol for the issuing of such Fixed Penalty Notices, must contact the Local Education Authority, as soon as possible, to ask for such Fixed penalty Notice to be withdrawn, stating why the parent believes that the Fixed Penalty Notice was incorrectly issues. The Local Education Authority will consider the parent's request and notify the parent of whether or not the Fixed Penalty Notice is withdrawn.

If the Fixed Penalty Notice is not withdrawn and the parent fails to pay the Fixed Penalty amount within the prescribed time limit stated on the Fixed Penalty Notice, the parent will be liable for prosecution for the substantive offence of failing to ensure the child's regular attendance at school. In the event of such a prosecution being instigated, the parent, upon receipt of the Court Summons, will have the opportunity to make any desired representations to the Magistrates' Court in respect of the alleged offence.

Payment of Penalty Notices

The penalty is payable to Bracknell Forest Council. With effect from September 2013 the penalty amounts are as follows:

- £60 if paid within 21 days of receipt of the notice
- £120 if paid after 21 days but within 28 days of receipt

Payment of a Penalty Notice cannot be made in instalments.

Non-Payment Of Penalty Notices

If the penalty is not paid at the end of the 28 day period, Bracknell Forest Council as the Local Education Authority will either prosecute for the substantive offence to which the notice applies or (in accordance with the limited circumstances described above) withdraw the notice and not proceed to prosecution.

If an issued Fixed Penalty Notice is not paid within the prescribed time limit for payment, each parent may be liable to prosecution at the Magistrates' Court for an offence contrary to Section 444 Education Act 1996, (failure to secure regular attendance at school of a registered pupil of compulsory school age), in the same way as if the Fixed Penalty Notice had never been issued.

The purpose of the Fixed Penalty Notice, where it is considered appropriate for such Notice to be issued, is to give a parent the time limited opportunity to avoid prosecution for a substantive offence contrary to Section 444 Education 1996.

Any such prosecution following non-payment of an issued Fixed Penalty Notice will be for a substantive offence contrary to S. 444 Education Act 1996, rather than for non-payment of an issued Fixed Penalty Notice.

However, the fact that a Fixed Penalty Notice had previously been issued but not paid may be used in evidence during the prosecution.

Prosecution for the substantive offence, if proved, may, in respect of the less serious offence contrary to S. 444(1) Education Act 1996 (being the parent of a child of compulsory school age who fails to regularly attend school), result in each such parent receiving a criminal conviction and /or Sentence by way of a Fine not exceeding £1,000.00.

Prosecution for the substantive offence, if proved, may, in respect of the more serious offence contrary to S. 444 (1A) Education Act 1996 (where the parent knows that the child is failing to attend regularly at the school and the parent fails without reasonable justification to cause that child to regularly attend school), result in each such parent receiving a criminal conviction and / or Sentence by way of a Fine not exceeding £2,500.00 and / or to a term of imprisonment not exceeding three months, or else any such community based Sentence as deemed appropriate by the Court.

In addition, in all cases where one of the substantive offences is proved, the Prosecution will seek an Order for the Defendant to pay a contribution towards the Prosecution Costs of the case, including investigation costs, the application for which will be served upon the Defendants at the time of the relevant Court proceedings.

In addition, when a Court passes a sentence, it must also order that the relevant "Victim Surcharge" be paid by Defendants. Revenue raised from the Victim Surcharge is used by Central Government to fund victim of crime services through the "Victim and General Fund". The amount of the Victim Surcharge to be paid by Defendants depends on the type of Sentence imposed and, in the case of an adult offender receiving the maximum level of Sentence applicable for the type offences covered by this Code Of Conduct and Protocol, may result in a Victim Surcharge of up to £115.00 per Defendant / parent.

In addition to any other Sentence imposed, the Court has the ancillary power to impose a "Parenting Order", not exceeding 12 months in duration, on parents, where the Court considers such an Order appropriate. Any person found guilty of failing without reasonable excuse to comply with the requirement of a "Parenting Order" or with a direction of the nominated Responsible Officer in respect of it is liable to Breach proceedings and, in the event of conviction for the same, to a fine, not exceeding £1,000.00, and or any other non-imprisonable Sentencing option available to the Court in such case.

Allocation of Revenue Received By Bracknell Forest Council As A Consequence Of Issuing Fixed Penalty Notices

In accordance with Regulation 23 of The Education (Penalty Notices) (England) Regulations 2007 and section 444A (6) (A) of The Education Act 1996, as inserted by Section 110 of The Education and Inspections Act 2006, and in accordance with Section 105(5) of The Education and Inspections Act 2006, all revenue received in payment of Fixed Penalty Notices will be retained by Bracknell Forest Council as the Local Education Authority and used towards the cost of issuing and enforcing such Penalty Notices and towards the cost of prosecuting recipients who do not pay.

Reimbursement of Late Payment Of Penalty Notices

The Penalty Notices must be paid within the prescribed timescales. All Payments received after the end of the 28 day period will be reimbursed to the payee, by Bracknell Forest Council as Local Education Authority (via its Finance Department).

Late or part-payments will not be accepted as satisfaction of Fixed Penalty Notices.

Records

The Local Education Authority will keep pertinent records for all Fixed Penalty Notices requested and/or issued. Records are archived once a pupil reaches the end of their compulsory education. These records will then be destroyed in line with the local retention policy.

Reporting & Review

The Education Welfare Service Team Manager will report at regular intervals on the use and outcomes of Penalty Notices. Information will be shared with Senior Managers within the Children, Young People & Learning Department and with schools via the termly Attendance Network Meetings.

The Department for Education (DfE) annual census return (PRMA) will be completed by the Team Manager EWS in respect of the issuing of warnings and Penalty Notices.

Code of Conduct

The public is entitled to expect the highest standards of conduct from all employees who work for Bracknell Forest Council.

Bracknell Forest Council officers will serve only the public interest and will never improperly confer an advantage or disadvantage on any person. They will make decisions on merit and shall be accountable to the public for their actions and the manner in which they carry out their responsibilities and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Bracknell Forest Council officers will promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They will uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

Revised by: Team Manager, Education Welfare

Frequently Asked Questions Regarding Term Time Holidays

Q. Am I entitled to take my child out of school for a family holiday?

A. No. Parents have a legal duty to ensure that their child attends school or the alternative provision on a regular basis. The Education Act 1996 makes it a criminal offence for a parent to fail to ensure their child regular attendance at school.

Q. Why do some schools authorise absence and another does not?

A. The Headteacher, or person authorised by the Headteacher to do so, is the only person who can authorise absence. Headteachers are only able to authorise requests for absence where exceptional circumstances exist for granting such authorisation and each set of circumstances will be individual and likely to receive a different response.

The regulations give parents no entitlement to take their child out of school for a holiday in term time. The Head Teacher and Governing Body will determine what exceptional circumstances are as there is no official definition.

Q. If I wish to take my child on a term time family holiday what should I do?

The parent/guardian with whom the child resides must apply in writing to the school on a leave of absence form. The application must explain the exceptional circumstance surrounding the request for leave of absence.

Q. What will the school do then?

The Headteacher will determine whether the request can be considered as exceptional circumstances or not. If not, the application will be declined.

Only the Headteacher, or person authorised by the Headteacher to do so, has the power to approve leave of absence applications. When making the decision the protocols and criteria laid down in the school's attendance policy must be followed.

Schools inform parents/carers via their websites, newsletters and on the leave of absence form that they may receive a Fixed Penalty Notice if their child has unauthorised absences during term time.

The parent / guardian with whom the child resides will receive a written response from the school's Headteacher (or Deputy) confirming whether the application for leave of absence has been granted or not.

If no such application is submitted, or the term time holiday goes ahead without the Headteacher's authorisation in any event, then such absence will be recorded as unauthorised and each / every parent/guardian with parental responsibility for the child, whether the child resides with them or not, may, in accordance with this Code of Conduct and Protocol, be liable to receive a separate Fixed Penalty Notice, and thus each be liable to prosecution for the substantive offence of failing to ensure the child's regular attendance at school in the event of such Fixed Penalty Notice(s) not being paid within the prescribed time limit.

Q. My Child has never had unauthorised absence before so can authorisation be given on this one-off occasion due to their previous excellent attendance?

The decision to issue a Fixed Penalty Notice is based upon the referral criteria which meets the threshold test for irregular attendance at school. School attendance is crucial to children

and their attainment and any school absence may have a detrimental impact upon a child's education. The Headteacher will base the decision on whether or not to authorise any absence purely upon whether or not the absence is due to exceptional circumstances rather than basing the decision on consideration of the child's previous level of school attendance.

Other relevant factors/information:

Declaration: I confirm that the details contained on this form are true to the best of my knowledge and belief.

Signed (Headteacher):

Please print name:

Date:

CHECKLIST FOR FPN REQUEST:

EVIDENCE	Y/N
Current attendance certificate showing unauthorised absences.	
Completed FPN request form.	
Copy of leave of absence form.	
Copy of letter to parent to advise absences will be unauthorised.	

PLEASE ENSURE THE FOLLOWING:

A FPN is the most appropriate action considering the information available.

Full names of parents are recorded on the form, failure to do so will delay the process.

Parents included on request are liable for FPN, eg: their names are included on leave of absence form. If parent does not have contact or live locally and cannot be held responsible for the absence then you are not obliged to include them.

The home address is still current.

APPENDIX III – Leave of Absence Form

ST JOSEPHS CATHOLIC PRIMARY SCHOOL ABSENCE FORM

APPLICATION FOR LEAVE OF ABSENCE DURING TERM TIME

The Governors believe that leave of absence should be avoided if at all possible as it can have a damaging effect on pupils' education and overall achievement. However, it is recognised that on occasions there may be extenuating or compassionate reasons that justify such leave.

The Education (Pupil Registration) (England) (Amendment) Regulations 2013 state that: -

- Applications are to be made in advance.
- Authorisation will be given where there are exceptional circumstances relating to the application.

As a result of the above changes in the regulations we at St. Joseph's Catholic Primary School have now revised our attendance policy which will be as follows: -

- Applications are to be made in advance.
- Authorisation will be given where there are exceptional circumstances relating to the application.
- The request must include the reason why it is necessary to take absence in term time, including any extenuating or compassionate reasons, including evidence of circumstances such as medical certificate or letter from employers.
- The request should be made in writing using the leave of absence form (available from the school office).
- Each request for leave of absence will be considered individually, taking into account: the age of your child(ren), time of year, overall attendance of your child(ren) your child's stage of education and progress.

Leave of absence taken without authorisation from St. Joseph's Catholic Primary School may be referred to the Education Welfare Service. This may result in prosecution proceedings, or a Fixed Penalty Notice. If a Fixed Penalty Notice is issued, it will be to each parent of each child. The penalty is £60.00, if paid within 21 days, rising to £120 up to 28 days. If payment is not made the matter will proceed to the Magistrates Court. If proved the parent(s) will be liable to a maximum fine of £1,000 AND will receive a criminal conviction.

Absence requests will not be authorised for the following reasons.

- Availability of cheap flights or accommodation



- Poor weather known to occur during the school holidays
- Preference to a particular time of year
- Extending holidays at the beginning or end of the school term

APPLICATION BY PARENT/CARER FOR CHILD'S LEAVE OF ABSENCE FROM SCHOOL DURING TERM TIME

Pupil's Name Class

Home Address

Contact Number:

Do you have any other children in a Bracknell forest School? Yes [] No []

Name: School:

Name: School:

I wish to apply for my child to be absent from school during the following dates:

From Date of Return to School

Total number of school days missed Reasons for absence from school:

*Please use a separate a piece of paper if necessary and any documentation to verify reason

I make an application for my child (named above) to have authorised absence from school for the reasons stated. I understand that if this is not agreed then any absence will be treated as unauthorised and may lead to the issue of a Penalty Notice or a Summons for irregular school attendance.

Name of Parent/Carer making application

Signed Date

PLEASE RETURN COMPLETED APPLICATION FORM TO YOUR CHILD'S SCHOOL GIVING AT LEAST 2 WEEKS' NOTICE OF INTENDED ABSENCE

Exceptional reason accepted: Yes [] No []

Fixed Penalty Notice Request: Yes [] No []

This absence has been unauthorised we, therefore expect your child to be in school on

Date:

Headteacher Signature

.....

Date Parents InformedBy

Whom.....

APPENDIX III – Flexi Schooling Policy

FLEXI SCHOOLING POLICY

Contents:

Statement of intent

1. Legal framework
2. Roles and responsibilities
3. Definitions
4. The role of the school
5. Arranging flexi-schooling
6. Termination of a flexi-schooling agreement
7. Monitoring and review

Appendices

Appendix 1 – Flexi-schooling Additional Information Form

Appendix 2 – Flexi-schooling Agreement

Appendix 3 – Flexi-schooling Attendance Agreement

Statement of intent

St. Joseph's Catholic Primary School understands that, under some circumstances, parents may wish for their child to receive some of their education in school, and some of their education at home.

While there is no automatic right for a pupil to receive flexi-schooling, the school aims to work with parents where this may be necessary, in order to reach an arrangement that is mindful of the pupil's best interests, and allows the pupil to receive part of their education within the school, and the other part of their education at home.

When a pupil is flexi-schooled, there is always a risk that the child may not receive the broad and balanced education that they should and are entitled to receive. The school adheres to the measures outlined within this policy, and expects parents of flexi-schooled pupils to do so as well, in order to ensure that every pupil, whether flexi-schooled or not, receives a broad and balanced education.

Signed by:

Headteacher

Date:

Chair of governors

Date:

1. Legal framework

1.1. This policy has due regard to all relevant legislation and statutory guidance including, but not limited to, the following:

- The Education (Pupil Registration) (England) Regulations 2006 (as amended)
- The Education Act 1996
- DfE (2007) 'Elective home education'
- DfE (2018) 'School attendance'

1.2. This policy operates in conjunction with the following school policies:

- SEND Policy
- Flexi-schooling Agreement
- Attendance Agreement
- Attendance Policy
- Child Protection Policy

2. Roles and responsibilities

2.1. The governing body is responsible for:

- Putting arrangements in place for when the provider of the alternative activity as part of flexi-schooling notifies the school of any absences of individual pupils.
- Ensuring the school has robust procedures in place for monitoring pupil attendance, attainment and progress.
- Working with the headteacher to establish efficient flexi-schooling procedures, ensuring agreements are approved before flexi-schooling begins.
- Approving this policy on an annual basis, ensuring that it remains adequate and appropriate for the needs of the school.

2.2. The headteacher is responsible for:

- Working with the governing body to establish efficient flexi-schooling procedures, ensuring agreements have been approved before flexi-schooling begins.
- Granting requests for flexi-schooling where they are satisfied the parents are committed to providing adequate support for their child while they are being educated off-site.
- Signing the relevant contracts before flexi-schooling begins.
- Ensuring the pupil's progress, attendance, behaviour and the effectiveness of any intervention programmes are monitored.

- Ensuring parents receive termly updates on their child's attendance and progress, e.g. through progress reports.
- Collating evidence from parents to inform pupil assessments.
- Providing parents with copies of weekly planning to ensure they can plan flexi-day activities for pupils.
- Withdrawing the [Flexi-schooling Agreement](#) if it is felt that any of the required conditions are not being met at home.
- Reviewing this policy on an annual basis, ensuring it remains adequate and appropriate for the needs of the school.

2.3. Parents are responsible for:

- Keeping clear records or diaries of the activities and learning experiences that happen on flexi-schooling days.
- Providing copies of records or diaries, pupil's work, evidence and activities to the headteacher and bringing these to termly parents' evenings.

3. Definitions

3.1. Flexi-schooling is providing a full-time education by means of a mixture of provision. This can be done in a number of ways, including:

- **Informal flexi-schooling:** Legally, the pupil is home educated and "dips into" other provision.
- **Formal flexi-schooling:** The overall responsibility for the education is that of the school; therefore, the off-site education and the person(s) providing it must be approved by the school. Full-time education is provided through a blend of home education and part-time school attendance (Attendance code C – authorised absence). When home education is being carried out, parents are fully responsible for the learning and safeguarding of the child.

4. The role of the school

4.1. For flexi-schooling to work well, it is important that the school and parents work together. To this end, the school is committed to the following principles:

- Attendance levels of pupils will be monitored, and should attendance fall below 97 percent, the flexi-schooling agreement will be reviewed.
- Attainment and progress of pupils will be tracked, and if the headteacher has concerns about progress or attainment in any area of learning, the flexi-schooling agreement will be reviewed.
- The school will use any evidence parents collate at home to inform their assessments of pupils – attainment and progress evidence will be shared between parents and the school.

- The school will provide parents with copies of weekly planning to ensure parents can plan flexi-day activities to support their child's learning.

5. Arranging flexi-schooling

- 5.1. If a parent wishes to flexi-school, it needs to be approved by the headteacher. This will only be given if the headteacher is satisfied that the parent(s) are committed to providing adequate support for their child while they are being educated off-site – this is the case whether or not their child has SEND.
- 5.2. If the school agrees to a flexi-schooling arrangement, a [Flexi-schooling Agreement](#) will be prepared. The contract will contain information on the following:
 - Which areas of education each party will provide
 - The responsible person for overseeing the non-school part of the education
 - What flexibility there will be regarding special events at school which fall outside the pupil's usual attendance, e.g. school trips, assemblies
 - What flexibility there will be regarding special events at home which fall inside the pupil's usual attendance, e.g. museum trips
 - What arrangements will be made for pupil assessment
 - Any SEND and associated provision
 - To what extent the national curriculum will be followed
 - Anything else the parent(s) and school agree to include
- 5.3. There will also be an [attendance agreement](#) stating which school sessions/lessons the pupil will attend. Flexi-schooling will not begin until these documents have been signed by the parents and the school.
- 5.4. Both parties will sign [an agreement](#) stating that they understand who is responsible for the pupil's welfare at which times. Clearly, the school is responsible for the pupil's welfare while they are at school, and the parents are responsible at all other times.
- 5.5. The school will monitor progress, attendance, behaviour and the effectiveness of any intervention programmes, in line with the existing procedures for full-time equivalent pupils.
- 5.6. The school has arrangements in place whereby the provider of the alternative activity (the child's parent(s)) notifies the school of any absences by individual pupils.
- 5.7. The school records the pupil's absence using the relevant absence codes.
- 5.8. It is acceptable in law to assume that a child is safe with their own parents, unless there is evidence to the contrary. In other words, risk and safety

assessments of the home are not required even if they would be required of another setting if the non-school provision was in another setting.

- 5.9. If there is evidence that a child is not safe at home, or a concern is raised either by a member of staff or the child themselves, the DSL will be informed immediately, and the processes outlined in the school's Child Protection and Safeguarding Policy will be adhered to.
- 5.10. The school will update parents on their child's attendance and progress at school at least termly through:
 - Progress reports.
 - Formal parent and school meetings.
 - Informal communications.
- 5.11. The school will expect the parents to act on advice provided and work in partnership with the school to ensure that pupils make appropriate academic progress.
- 5.12. The school retains the right to withdraw a [Flexi-schooling Agreement](#) at any time. For example; if the school feels that any of the required conditions that underpin the agreement are not being met at home.

6. Termination of a flexi-schooling agreement

- 6.1. Where the school believes that any of the required conditions that underpin the agreement are not being met, e.g. the pupil is not making the expected progress, the school will withdraw the flexi-schooling agreement.
- 6.2. Two week's notice will be given to parents following a decision to terminate the agreement.
- 6.3. If parents do not agree with the school's decision, they will be asked to attend a meeting with the headteacher to discuss the reasons behind the decision.
- 6.4. If they still disagree following the meeting, parents will be offered the opportunity to make a complaint regarding the school's decision. All complaints will be handled in accordance with the school's Complaints Policy.

7. Monitoring and review

- 7.1. This policy is reviewed on an annual basis by the governing body and the headteacher.
- 7.2. The next scheduled review date for this policy is January 2021

Flexi-schooling Additional Information Form

This form should be filled in alongside the school enrolment form (if applicable).

Pupil's name: _____

Name of parents(s): _____

Has the School Enrolment Form been completed?	Yes / No / Not applicable
What attracted you to flexi-schooling?	
What are your expectations of the school-based part of the education?	
What are your expectations of the home-based part of the education?	
Do you intent to follow the national curriculum at home?	
Additional needs (if applicable)	
Educational assessment/review acceptable	Yes / No
Will the pupil complete a record of achievement?	Yes / No

Please tell us anything else you feel we may find useful about yourself or your child.	
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Flexi-schooling Agreement

Agreement for Provision of Education Part 1 – School

Pupil's name: _____

Name of parent(s): _____

St. Joseph's Catholic Primary School is responsible for the education of the above-named pupil on the days and times set out in the attached Attendance Agreement and timetable.

The educational provision will be suitable to name of pupil's age, aptitude and ability, as set out in section 7 of the Education Act 1996.

Whilst the pupil is on school premises, or the school is acting in loco parentis, the school will maintain primary responsibility for the pupil's safety and welfare.

The school and name of parent(s) will meet every half-term for a review meeting to discuss the pupil's progress and review the attendance agreement.

The school can withdraw from this agreement at any time by giving reasonable notice in writing.

Headteacher signature:

Date:

Contract for Provision of Education Part 2 – Home

Pupil's name:

Name of parent(s):

I/we are responsible for the education of the above-named pupil on the days and times set out in the attached Attendance Agreement and timetable.

The educational provision will be suitable to the pupil's age, aptitude and ability as set out in section 7 of the Education Act 1996.

During school hours timetabled for home-based education, I/we will maintain primary responsibility for the pupil's safety and welfare.

I/we understand I/we can withdraw from this agreement at any time by giving reasonable notice in writing.

Parent(s) signature: _____

Date: _____

Flexi-schooling Attendance Agreement

Pupil's name: _____

Name of parent(s): _____

Agreed periods of attendance

Day	Morning	Afternoon
Monday		
Tuesday		
Wednesday		
Thursday		
Friday		

Headteacher signature: _____

Date: _____

Parent(s) signature: _____

Date: _____