

Temple Guiting C of E School



Attendance Policy 2026-2027

This Policy was reviewed and agreed by:	Ann Barry
Approved by: (Headteacher)	
Approved by: (Governor)	
Date Approved:	
Last Review Date:	Sept 2026
Next Review Date:	Sept 2027

<p>Definition of Regular Attendance</p>	<p>At Temple Guiting C of E School, the promotion of good attendance and punctuality is recognised as a shared responsibility between staff, governors, parents, carers, and pupils. The school is committed to achieving and sustaining a minimum attendance rate of 96%, while fostering a clear understanding among pupils and their families of the importance of regular school attendance.</p> <p>This policy has been developed in collaboration with other North Cotswold Primary Schools and reflects guidance provided by the Local Authority (LA), in line with <i>Working Together to Improve School Attendance</i> (August 2024).</p> <p>At Temple Guiting C of E School, we expect pupils to attend every day that the school is open, unless a reason acceptable to the school is given and we are able to authorise.</p> <p><u>Good attendance is important because:</u></p> <ul style="list-style-type: none"> • Statistics show a direct link between under-achievement and poor attendance. • Regular attenders make better progress, both socially and academically. • Regular attenders find school routines and school work easier to cope with. • Regular attenders find learning more satisfying. • Regular attenders have an easier transfer to secondary school.
<p>Attendance Contacts and Responsibilities</p>	<p>The Senior Attendance Champion at Temple Guiting C of E School is the Headteacher, who can be contacted on 01451 850304.</p> <p>For daily attendance matters, parents and carers should contact the school office on 01451 850304 or via email at admin@templeguiting.gloucs.sch.uk.</p> <p>The school office serves as the first point of contact for all attendance-related queries. For day-to-day attendance issues, parents and carers are expected to liaise directly with the office staff. Where more detailed support is required, the school office will direct enquiries to the appropriate member of staff or, where necessary, to relevant external agencies.</p>

Responsibility	<p><u>Parental responsibility:</u></p> <p>Parents and carers should:</p> <ul style="list-style-type: none"> • Make sure their children attend school regularly and on time, appropriately dressed and equipped and in a fit state to learn. • Ensure that their children arrive in school on time. It is important to be on time, as the first few minutes of the school day are often used to give out instructions, organise schoolwork or for children to use this as work improvement time. If your child misses this short but vital session, his/her work for the whole day may be affected. Late arrivals disrupt the whole class. If your child arrives after registration, it may be recorded as an unauthorised absence and could lead to a Penalty Notice being issued (see appendix 2 Notice to Improve and Penalty Notices Leaflet). • Advise school of any planned absence using the Request for Leave during Term Time form (Appendix 1). • Ring school on the first morning of every absence to state the reason for the absence and the date the child is expected to return to school. • Keep school updated by daily telephone, email or letter if your child has an extended period of absence due to illness. • Let the school know if they are having difficulty with attendance so that any available help or support can be offered. • Arrange medical and dental appointments out of school hours, or during school breaks. • Understand that there is no entitlement for parents to take pupils on holiday during term time and that holidays within term time are generally not authorised as an approved leave of absence. <p><u>School's responsibility:</u></p> <p>The school shall:</p> <ul style="list-style-type: none"> • Follow up unexplained absences with phone calls to parents/carers as soon as possible. • Keep and mark registers accurately. • Remind parents of the importance of regular attendance and punctuality in newsletters, on the school website and in the Home-School agreement. • Acknowledge and reward good attendance. • Publish your child's attendance rate on his/her annual school report. • Let parents know if we have concerns regarding their child's attendance and offer support and advice (see appendix 3 School Attendance). • If poor attendance continues following intervention/support a referral will be made to the Local Authority who will consider taking legal action under the s444(1) of the 1996 Education Act (see appendix 4 Prosecution for Non-Attendance at School Leaflet). <p>The Headteacher shall:</p> <ul style="list-style-type: none"> • Ensure that everybody at school treats attendance as a priority.
-----------------------	--

- Promote the importance of good attendance to pupils and their parents/carers.
- Be available to discuss attendance concerns with pupils, parents, staff and governors.
- Remind parents at least annually of attendance procedures.
- Analyse attendance data.
- Oversee attendance procedures
- Reply to Request for Leave during Term Time forms or issue no request for leave letter as appropriate
- The Governors shall:
- With the Headteacher, monitor, evaluate and review the attendance procedures regularly.

Time	
8:40 am	Doors open
8:45 am	Registration
8:50–10:15 am	Lessons
10:15–10:30 am	Morning Break
10:30 am–12:00 pm	Lessons
12:00–1:00 pm	Lunch break
1:00–2:50 pm	Lessons
2:50–3:10 pm	Collective worship
3:15 pm	School Ends

Registration	<p>School must keep attendance registers for all pupils on the school roll. The class teacher will call the register twice a day and every pupil will be marked as present, absent or engaged in an approved educational activity away from the school site. It must be shown, by the use of approved codes, whether an absence is authorised or not.</p> <ul style="list-style-type: none"> • Registration will take place between 8.45am and 8.50am for the morning session and between 1pm and 1.05pm for the afternoon session. • Pupils arriving <u>during</u> registration will be marked with an L (late), which denotes that the pupil is present. Registration will close 20 minutes after the register has been taken. Unless there is an acceptable reason for the lateness the pupil will be marked with a G, which denotes an unauthorised absence. If a pupil is registered with ten unauthorised in a ten-week period a Penalty Notice can be issued (see appendix 2 Penalty Notice Leaflet). • Any medical appointments taken during the school day, please send confirmation of these appointments to the school office via email or in person – this can then be marked with a M(medical). • If parents/carers provide a reason for late attendance, this is recorded in SIMs. • The marking of registers will be in accordance with the set attendance codes (see appendix 5 Attendance Codes).
Absences	<p>Absence, legally, has to be recorded as either authorised or unauthorised and reported on to the Department for Education and, in some circumstances, to the LA. Only school can decide whether an absence is authorised or not, and is not obliged to accept the reasons given by a parent or carer.</p> <p><u>Authorised absence is when a pupil:</u></p> <ul style="list-style-type: none"> • is absent with the prior permission of the school; • is too unwell to attend school or is attending a medical or dental appointment; • is away for a day set aside by their parent’s religion for religious observance; • has suffered a family bereavement; • has been excluded; • If Traveller parents is travelling in connection with the parents’ work. <p><u>Unauthorised absence is when:</u></p> <ul style="list-style-type: none"> • a pupil is absent and no explanation, or an unacceptable explanation, is offered; • a pupil arrives after the registration period has closed without an acceptable reason; • a pupil is away from school on a family holiday or day trip.

	<p>An approved educational activity is not recorded as an absence and will be marked when a pupil is on a school/educational visit, is attending an approved off-site activity or is receiving special off-site tuition</p>
Appointments	<p>If a pupil needs to attend an appointment during school hours, the school must be notified in advance in writing, and confirmation of the appointment should be provided.</p> <p>For safeguarding purposes, any pupil leaving the school site during the day must sign out at the school office and sign back in upon their return.</p> <p>If a pupil is present during registration, no change to the attendance register is required. However, if the pupil is absent at registration due to the appointment, the register should be updated with an authorised absence code.</p> <p>All pupils arriving at school after registration must report to the school office on arrival.</p>
Frequent absences for medical reasons	<p>When a pupil frequently misses school for medical reasons the school medical service will be consulted. Where necessary a referral will be made so that an evaluation of the pupil's health and educational needs can be made.</p>
Longer absences	<p>Pupils who have been absent for a long period of time will be welcomed back positively and will be supported to ensure they catch up with missed work. Friendship groups will be monitored for a period to ensure that the pupil settles back into school life happily.</p>
Term-time holiday	<p>The Head Teacher will not grant any leave of absence during term time unless there are exceptional circumstances. There is no entitlement to time off in term time</p>

<p>The Law</p>	<p>By law, all children of compulsory school age (between 5 and 16) must get a suitable, full-time education. As a parent, you are responsible for making sure this happens, either by registering your child at a school or by making other arrangements which provide a suitable full-time education.</p> <p>Once your child is registered at a school, you are responsible for making sure they attend regularly.</p> <p>Section 444 of the Education Act 1996 gives powers to the Local Authority (LA) to issue Penalty Notices when a parent or carer is considered capable of but has failed to secure their child's regular school attendance and/or punctuality.</p> <p>Penalty Notices are issued by the LA at the request of the school. Fines are usually issued to each parent for each child. (see appendix 2)</p> <p>The Education Act 1996 (Section 444) states: '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.' The offence is called a 'strict liability' offence. This means that if you are the parent of the child, and that child is on roll at a school and they have not attended regularly, then the court must find you guilty of the offence, unless you have a defence.</p> <p>A parent is defined in Education Law as:</p> <ul style="list-style-type: none"> • All natural parents, whether married or not • Any person who, although not a natural parent, has parental responsibility for a child or young person • Any person who, although not a natural parent, has care of a child or young person <p>The fact that you do not live with the child is not a defence against securing their attendance at school.</p> <p>(see appendix 4)</p>
<p>Leavers</p>	<p>If your child is leaving Temple Guiting C of E School, other than to go on to Secondary School, parents/carers are asked to:</p> <ul style="list-style-type: none"> • give the school full information about their plans in writing, including date of move; new address – or at least the town you will be moving to; new school and start date, when known; and reasons for moving. • confirm the school has your current mobile phone number. • let us know when you move.

<p>School procedures</p>	<p>School registers are taken on SIMS, the school's Information Management System. Once the registers are closed the school administrator checks the registers for missing marks or unexplained absences. Where the register shows an unexplained absence and there has been no message received at school by 10.00 a.m. a phone call will be made to the parent/carer to find out the reason for absence and the date of expected return.</p> <p>If the school have been unable to make contact by telephone by the end of the second school day (3.15pm) of an unexplained absence then a call will be made to the local police officer to ensure the wellbeing of the child.</p> <p>If school have been unable to make contact by telephone a written communication will be sent on the 3rd day of absence, requesting the reason for absence. If there is no response a reminder will be sent on the 4th day of absence. If there is no response by the 5th day of absence (10 sessions) the absence will be recorded as unauthorised and school will refer to the Local Authority. If school have been unable to make contact after the 10th school day of absence the Headteacher will report the pupil as a 'Child Missing Education' to the LA who will enforce their missing Child Missing Education protocol.</p> <p>Where the register shows 6 separate late marks either during or after registration over a 6-week period the school will contact the parent/carer to discuss the reasons for the lateness. If the register shows 10 separate 'late after registration' marks over the last 10 weeks, the LA may issue a Fixed Penalty Notice (see appendix 2 Penalty Notice Leaflet.) A written warning of this will usually be issued, in the first instance, by the school.</p> <p>If your child fails to attend school regularly or if they miss school without you knowing, the Local Authority (LA) may take legal action against you. School will notify you if your child's attendance level is a concern and work with you and your child to improve it. They may meet with you to agree an Attendance Contract. If attendance continues to require improvement, then the school will look to initiate an Attendance Improvement Meeting (AIM). The AIM is the beginning of the legal process. It is important that you engage with the process and work with the support provided to meet the agreed targets. These targets will be reviewed, and progress evaluated at a review meeting. If satisfactory progress is made, then targets will be considered met or adjusted until attendance is satisfactory. If progress is not made, then you may be referred to the LA for legal intervention. You risk being issued with a Notice to Improve, Penalty Notice or being prosecuted in court (see appendix 2, 3 and 4).</p> <p>You may face a Penalty Notice if your child is absent from school, without authorisation from the Head Teacher, for the purposes of a holiday. For a holiday taken in term time, there is no requirement for a school to issue a</p>
---------------------------------	---

	Notice to Improve notification or warning notice (see appendix 2).
Children missing education	When pupils leave, if parents/carers have not given us the above information, and cannot be contacted, then the child is considered to be a Child Missing Education. This means that the Local Authority has a duty to carry out investigations that include liaising with Children's Services (formerly Social Services), the Police and other agencies, to try to track and locate your child. When parents/carers provide the above information, unnecessary investigations can be avoided
Strategies	<p>To support our attendance policy we:</p> <ul style="list-style-type: none"> • will treat attendance as a priority; • apply timely intervention/support and where necessary, if poor attendance continues, refer to the Local Authority who will consider legal sanctions (see appendix 3 School Attendance). • promote good attendance at every opportunity; • always contact parents/carers on the first day of their child's absence if reason for absence is unknown; • reward and celebrate good and improved attendance; • set attendance targets for the school and for each year group; • keep parents/carers informed of their child's attendance level; • make good use of attendance data by specific analysis; • notify Governors of attendance levels at each meeting of the full governing body; • provide a safe, happy, stimulating environment for children, where they feel valued and welcomed, and that their presence in school is important.
Criteria for success	<ul style="list-style-type: none"> • Meeting or exceeding our attendance targets. • Temple Guiting C of E School's attendance is in line with, or exceeds that of local comparator schools. • We have positive feedback from outside agencies such as Ofsted, LA etc • Everybody is clear about what to do if a child is absent from school.
Aspects of this policy are cross-referenced with others.	<ul style="list-style-type: none"> • Child Protection • Behaviour • Anti-Bullying • SEND

Request for Leave during Term Time

TO BE COMPLETED BY THE PARENT(S)/CARER(S)

A Request for Leave during Term Time form must be completed and returned to the School Office if you intend to take your child(ren) out of school during term time. This should be completed prior to any absence.

Pupil	
Name	
Date of Birth	
Year	
Class/Form	
First date of absence	
Last date of absence	

Parents – Parent means: all natural parents, whether they are married or not; any person who has parental responsibility for a child or young person; any person who has care of a child or young person i.e., lives with and looks after the child.			
Name		Name	
Address		Address	
Telephone number		Telephone number	
Email		Email	
Accompanying child during the leave of absence	Yes / No	Accompanying child during the leave of absence	Yes / No
Signature		Signature	
Printed name		Printed name	
Date		Date	

To establish if your reasons for the above absence are for exceptional circumstances, please give as much detail as possible (including your destination).

The decision will be based on the information you provide on this form (please continue with additional information on a separate sheet if required)

Our records will reflect that you will still proceed with this absence on an unauthorised basis, however, should you decide not to take your child out of school at this time, please let us know as soon as possible.

Reasons for request:

Information for parents/carers

- *'Improving attendance is everyone's business'*, and it is important that we, as your child's school, work together in partnership with you, your family, your child, and the wider community.
- Any holiday-related absence taken that includes 10 sessions in 10 weeks, may result in a Penalty Notice.
- The penalty amount is increasing to £160 from September 2024 (reduced to £80 if paid within 21 days for the first offence). If a parent receives a second penalty notice within a rolling three-year period (following 1st September 2024) the fine is £160 and there is no option to pay the fine at a reduced rate.
- Parents with parental responsibility, and adults residing with the child, including for example, stepparents who have day-to-day responsibility for the child, may be fined, and this applies to each child who is absent.
- If a Penalty Notice is not paid within the time limits set out in the letter to the parent, the Local Authority may proceed the case to court.
- Nationally, Headteachers are: not permitted to approve term-time holidays except in genuinely exceptional circumstances, and are to consider each application for a leave of absence individually before making our decision.
- The law clearly expects Headteachers to enforce these penalties strictly.
- Parents/carers **do not** have the right to take children out of school for a holiday during term time. Any requests are considered on an individual basis following guidelines issued by the DfE and LA.
- Holiday absences will not be authorised if they are not considered to meet exceptional circumstances.

- If a pupil goes on holiday without permission, the absence will be classed as unauthorised. Absence will also be unauthorised if a child does not return to school on the agreed date. Unauthorised absence could result in referral to the LA to begin legal proceedings.

Request for Leave during Term Time

TO BE COMPLETED BY THE HEADTEACHER

Pupil Name	
Date of Birth	
First date of absence	
Last date of absence	

☐	<p>Leave of absence authorised for the dates specified above.</p> <p>Please ensure your child returns to school promptly following the absence, as failure to do so may result in their removal from the school roll.</p>	Signature of headteacher:	Date:
☐	<p>Leave of absence unauthorised for the dates specified above.</p> <p>Should your child be absent on the dates specified above, these dates will be marked as unauthorised.</p> <p>This absence may result in a penalty notice being issued by the LA on behalf of the school.</p>	Signature of headteacher:	Date:
☐	Other:	Signature of headteacher:	Date:

Parents – Parent means: all natural parents, whether they are married or not; any person who has parental responsibility for a child or young person; any person who has care of a child or young person i.e., lives with and looks after the child.

Name		Name	
Address		Address	
Telephone number		Telephone number	
Email		Email	
Confirmation letter sent to parent	Yes / No	Confirmation letter sent to parent	Yes / No
Date sent		Date sent	

Information for parents/carers

- 'Improving attendance is everyone's business', and it is important that we, as your child's school, work together in partnership with you, your family, your child, and the wider community.
- Any holiday-related absence taken that includes 10 sessions in 10 weeks, may result in a Penalty Notice.
- The penalty amount is increasing to £160 from September 2024 (reduced to £80 if paid within 21 days for the first offence). If a parent receives a second penalty notice within a rolling three-year period (following 1st September 2024), the fine is £160 and there is no option to pay the fine at a reduced rate.
- Parents with parental responsibility, and adults residing with the child, including for example, stepparents who have day-to-day responsibility for the child, may be fined, and this applies to each child who is absent.
- If a Penalty Notice is not paid within the time limits set out in the letter to the parent, the Local Authority may proceed the case to court.
- Nationally, Headteachers are: not permitted to approve term-time holidays except in genuinely exceptional circumstances, and are to consider each application for a leave of absence individually before making our decision.
- The law clearly expects Headteachers to enforce these penalties strictly.

- Parents/carers **do not** have the right to take children out of school for a holiday during term time. Any requests are considered on an individual basis following guidelines issued by the DfE and LA.
- Holiday absences will not be authorised if they are not considered to meet exceptional circumstances.
- If a pupil goes on holiday without permission, the absence will be classed as unauthorised. Absence will also be unauthorised if a child does not return to school on the agreed date. Unauthorised absence could result in referral to the LA to begin legal proceedings.

What is the cost of the fine?

For the first offence within a rolling three-year period, the Penalty Notice allows you 21 days to pay an £80 fine. If you pay after the 21-day period, but within 28 days, the fine to pay is £160. If the fine remains unpaid at this stage, the LA will usually initiate legal proceedings against you.

For a second offence within a rolling three-year period, there is no opportunity to pay the fine at the lower amount. Instead, the fine will be at £160. If there is a request for a third penalty notice, prosecution will be considered if two penalty notices have been served in any rolling three-year period.

What happens if I do not pay the fine?

You will have 28 days to pay the Penalty Notice in full. If you fail to pay the fine in this timeframe, the LA will usually initiate legal proceedings against you for failing to secure regular attendance for your child registered at a school. If you are convicted of this offence, there are several possible sentences, including a fine of up to £1,000.

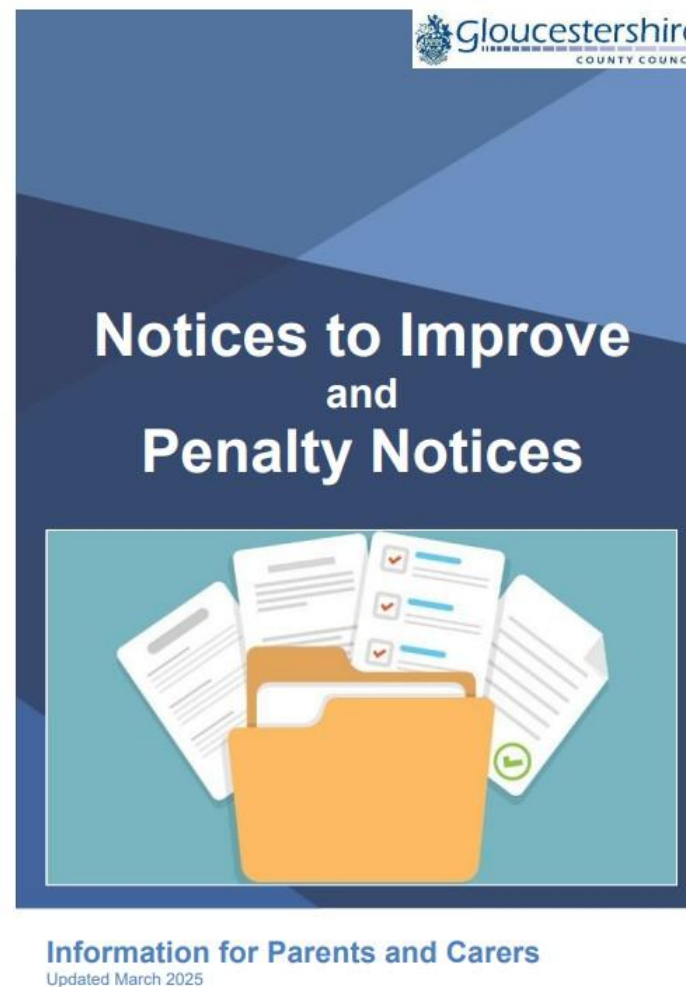
Is there an appeal process?

There is no right of appeal. Once a Penalty Notice has been issued, it can only be withdrawn if it can be shown that it was issued in error.

What happens if the Penalty Notice is paid, but my child still misses school?

Parents/carers are not liable for prosecution for their child's school attendance for the period in question once the Penalty Notice is paid. However, prosecution may be considered for further periods of absence not covered by the notice.

For more information, please contact the
Education Inclusion Service:
Telephone: 01452 427274
Email: attendance@gloucestershire.gov.uk



Penalty Notices and the Education Act 1996

Section 444 of the Education Act 1996 gives powers to the Local Authority (LA) to issue Penalty Notices when a parent or carer is considered capable of but has failed to secure their child's regular school attendance and/or punctuality. GCC's Code of Conduct, may be found here:

<https://www.gloucestershire.gov.uk/media/hn1afkus/gcc-pn-code-of-conduct.pdf>

Why are Penalty Notices used?

Missing school can impact on children's academic attainment, disrupt school routines, and affect the continuity of their learning. Missing school can seriously affect a child's longer-term life opportunities and their ability to reach their full potential.

If your child fails to attend school regularly and punctually, and the absence is recorded as unauthorised, you are guilty of a criminal offence under section 444 of the Education Act 1996.

What is a Penalty Notice?

A Penalty Notice is a fixed fine which may be issued as an alternative to prosecution. If it is paid, it does not require a court appearance and does not result in a criminal record. Payment of a Penalty Notice means you avoid the potential danger of prosecution and subsequent conviction.

What is a Notice to Improve

You may receive a Notice to Improve notification in your email from the Local Authority (LA) when your child's absence has been marked as unauthorised for 10 sessions within 10 weeks. The sessions do not need to be consecutive. The weeks may be in different terms.

The Notice to Improve will set out the school's expectations with regards to your child's attendance during the notification period.

When might a Penalty Notice be issued?

You may face a Penalty Notice for the following reasons:

- If your child is absent from school, without authorisation from the

Headteacher, for the purposes of a holiday. For a holiday taken in term time, there is no requirement for a school to issue a Notice to Improve notification or warning notice.

- If your child is persistently late for school, after the register has closed and does not have authorisation from the headteacher.
- If your child is absent from school and the school has been unable to find out the reason for the absence.
- If your child is absent from the school and there are no exceptional circumstances for the absence for the Headteacher to authorise the absence, in line with the school's policy.
- If your child, following an exclusion, is found in a public place, without a justifiable reason for being there, during school hours on a school day during the first five days of a fixed term exclusion or a permanent exclusion. The school will have sent you a letter at the time of the exclusion detailing your responsibilities during this period. **For this penalty notice, the cost will be £60 for the 21 days after it is issued. If you pay after the 21-day period, but within 28 days, the fine to pay is £120.**

How is a Penalty Notice issued?

Penalty Notices are issued by the LA at the request of the school. Fines are usually issued to **each parent for each child**. You will receive the Penalty Notice by post to your home address with instructions on how to pay.

A parent is defined in Education Law as:

- All natural parents, whether married or not
- Any person who, although not a natural parent, has parental responsibility for a child or young person
- Any person who, although not a natural parent, has care of a child or young person

The fact that you do not live with the child is not a defence against securing their attendance at school.

Appendix 3 School Attendance

What happens if the legal process goes to Court?

- Parents can be fined up to £2,500 or imprisoned for failing to ensure that their child attends school regularly.
- Magistrates can impose a Parenting Order, which means that parents must attend a counselling and guidance program, usually a parenting class.

When is absence authorised?

There may be occasions where absences are authorised by the school. If you are concerned about your child, contact the school in the first instance and arrange a meeting to discuss the needs of your child.

If your child is unwell, you should notify the school immediately and follow the school's absence procedures.

Wherever possible, you should make routine appointments e.g., dental check-ups during the school holidays or after school hours. Schools have the right to request medical evidence to validate absences for medical reasons.

If you feel you must take your child out of school, discuss the reasons with the school and refer to the school's attendance policy for guidance. Absences will only be authorised by the school in exceptional circumstances. The decision on whether to authorise absence is made at the headteacher's discretion.

For more information, please contact the
Education Inclusion Service:
Telephone: 01452 427274
Email: attendance@gloucestershire.gov.uk
Website: www.gloucestershire.gov.uk/education-and-learning



Information for Parents and Carers

Updated August 2024



Why is good attendance important?

Good school attendance is vital for children's success in the future. Being in school every day that it is open is important to your child's achievement, wellbeing, and their wider development. Time in school also keeps children safe and provides access to extra-curricular opportunities and pastoral care.

If children do not attend school regularly, they may:

- struggle to keep up with schoolwork
- have few opportunities to catch up on missed learning
- miss out on the social side of school life
- miss opportunities to make and keep friendships

What might the impact of poor attendance be on your child?

Research shows children who are not regularly attending school are:

- more likely to become involved in or be a victim of crime and antisocial behaviour
- more likely to fall behind due to the strong link between attendance and achieving good results
- less likely to achieve 5 good GCSE's (grades 9-5) compared with those with fewer than eight days' absence
- more likely to have increased levels of anxiety due to inconsistencies and uncertainty in their routine
- more likely to have reduced self-esteem due to finding learning increasingly hard having missed out on important information.

What does the law say?

By law, all children of compulsory school age (between 5 and 16) must get a suitable, full-time education. As a parent, you are responsible for making sure this happens, either by registering your child at a school or by making other arrangements which provide a suitable full-time education.

Once your child is registered at a school, you are responsible for making sure they attend regularly.

What happens if your child does not attend school regularly?

If your child fails to attend school regularly or if they miss school without you knowing, the Local Authority (LA) may take legal action against you.

School will notify you if your child's attendance level is a concern and work with you and your child to improve it. They may meet with you to agree an Attendance Contract. If attendance continues to require improvement, then the school will look to initiate an Attendance Improvement Meeting (AIM).

The AIM is the beginning of the legal process. It is important that you engage with the process and work with the support provided to meet the agreed targets. These targets will be reviewed, and progress evaluated at a review meeting. If satisfactory progress is made, then targets will be considered met or adjusted until attendance is satisfactory. If progress is not made, then you may be referred to the LA for legal intervention.

You risk being issued with a Notice to Improve, Penalty Notice or being prosecuted in court.

Burden of proof

It is for the **parents to prove** that one or more of these defences apply. It is not a defence to say that you did not know that your child was absent from school or that there were other reasons for them not attending school e.g., that they were being bullied at the time.

Sentencing

If you have been convicted of the offence for which you have been summonsed, the magistrates have the power to impose penalties as follows:

- A fine of up to £1,000
- A fine of up to £2,500 and/or imprisonment for a term not exceeding three months

Costs may also be awarded against you.

Fines and costs are collected by the court bailiff.

Advice

The officer dealing with your case has specialist knowledge and experience in the courts. If you require legal advice, lists of solicitors are available at the Citizens Advice Bureau. Visit www.citizensadvice.org.uk for further guidance.

Parents are strongly advised to seek legal help at the earliest opportunity. This may reduce delay and expense in your case.

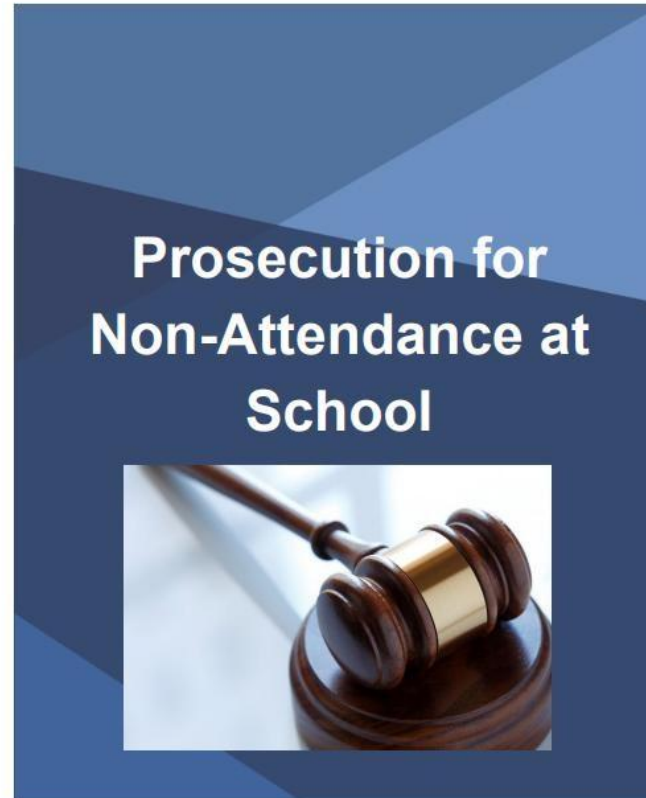
For more information, please contact the

Education Inclusion Service:

Telephone: 01452 427274

Email: attendance@gloucestershire.gov.uk

Website: www.gloucestershire.gov.uk/education-and-learning



Information for Parents and Carers

Updated August 2024



The Law

The Education Act 1996 (Section 444) states:

'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.'

The offence is called a 'strict liability' offence. This means that if you are the parent of the child, and that child is on roll at a school and they have not attended regularly, then the court must find you guilty of the offence, unless you have a defence.

A parent is defined in Education Law as:

- All natural parents, whether married or not
- Any person who, although not a natural parent, has parental responsibility for a child or young person
- Any person who, although not a natural parent, has care of a child or young person

The fact that you do not live with the child is not a defence against securing their attendance at school.

The Defences

For any case brought before the magistrates under section 444, there are only the following defences:

- **The child had a leave of absence**
Your child had the Headteacher's permission to be absent. You could prove this by producing a letter from the Headteacher.
- **The child was too ill to attend school**

Sickness means that your child was not fit for school on the dates listed on your summons. You could prove this by producing a medical certificate or letter from your child's doctor or consultant.

- **The child was unavoidably absent**

There were exceptional circumstances preventing your child from attending school during all the dates listed on the summons. This may be difficult to prove.

- **The child was absent for any day exclusively set apart for religious observance by the religious body to which his parent belongs**

Your child was absent because of your religious observance – not your child's. You could prove this with a letter from your minister of religion. It is unlikely that this defence would apply to all the dates on your summons.

- **The school is not within 'walking distance' of the child's home, and no suitable alternative arrangements have been made by the Local Authority (LA)**

For a child under 8 years old, this distance is 2 miles; for a child 8 years old and over, this distance is 3 miles. If this is the case, and the LA has failed to provide alternative arrangements, you could prove this with copies of your correspondence with the LA. You should seek legal advice if you plan to use this as a defence.

- **The child has no fixed abode, and the parent can prove that they were travelling for the purposes of obtaining work**

This means that you are a Traveller, and on the dates listed on your summons, you were travelling to seek work or were working. You could prove this with a witness who could explain to the court that this was what you were doing.

Appendix 5 Attendance Codes

School Attendance Codes Present Codes

/ \ present during registration

B educated off site and for taster days and do not fit K, V, P or W codes

K attending provision arranged by the local authority under Section 19 of the EA 1996

L arrived after the register has started but before it has closed

P participation in a sporting activity with prior agreement from school V educational visit or trip supervised by a member of the school staff

W attending work experience under arrangements by the school or local authority

Absent Codes Authorised Absences

C absence due to exceptional circumstances, agreed by the headteacher C1 in a regulated performance/undertaking regulated employment abroad

C2 absent due to part-time timetable, agreed by the headteacher and parent(s)/carer(s)

D dual registered

E suspended or permanently excluded, and no alternative provision made

I illness (both physical and mental health related; not medical or dental appointments) J1 job/school/college interview

M medical or dental appointment

Q unable to attend because of a lack of access arrangements

R religious observance (only 1 day allowed; any more coded as C if agreed)

S study leave

T parent travelling for occupational purposes

X non-compulsory school age pupil not required to attend school Y1 unable to attend due to transport provided not being available Y2 unable to attend due to widespread transport disruption

Y3 unable to attend due to part of the school premises being unexpectedly closed Y4 unable to attend due to unexpected whole school closure

Y5 unable to attend as pupil is in criminal justice detention

Y6 unable to attend in accordance with public health guidance or law

Y7 unable to attend due to other avoidable cause (must affect the pupil NOT the parent)

Unauthorised Absences

G holiday or absence for leisure-related purposes (not agreed by the headteacher)

N reason for absence not yet established (must be corrected within 5 days)

O absent in other or unknown circumstances U late after register has closed Administrative Codes

Z prospective pupil not yet on register

planned whole school closure (e.g., holidays, Insets and polling station day)

