

Buckminster School Pupil Attendance Policy

The law requires parents and carers to make sure that their children receive a full-time education suitable to their needs.

The **Pupil Services Court Team** have statutory powers to take legal action and, where appropriate, to prosecute parents and carers if they fail to ensure that their child receives a suitable education.

**Our parent and carer responsibilities**

Your legal responsibility as a parent or carer is to ensure that your children of school age receive a suitable full-time education, by either enrolling your child at a school or by making other arrangements through **[homeschooling / elective home education](https://www.leicestershire.gov.uk/education-and-children/schools-colleges-and-academies/home-education)**.

Once enrolled at a school it remains the parent or carer’s legal responsibility to ensure that their child attends school regularly and arrives on time each day.

Parents and carers are encouraged to maintain good attendance by:

* Making sure they and their child understand the importance of school attendance and punctuality;
* Getting involved and showing interest in their child’s school work and activities;
* Talking to the headteacher if your child has any issues which could affect attendance levels;
* Not taking holidays during school term-time.

**School responsibilities**

Buckminster Schools’ responsibilities relating to attendance, detailed in the Education Regulations, include:

* Taking a register twice each day (at the start of the morning session and once during the afternoon);
* Using the appropriate [**National Attendance Codes**](https://www.gov.uk/government/publications/school-attendance);
* Complying with statutory registration and deletion procedures.

Where there are concerns about pupil absence, schools should seek to intervene early and maintain a chronology of all contact (successful and attempted) regarding pupil absence, with the pupil, parent(s) and other agencies. Schools will be required to produce this as evidence if legal intervention is later used.

[**Attendance information for schools**](http://resources.leicestershire.gov.uk/education-and-children/schools-colleges-and-academies/school-attendance)

**Taking your child on a family holiday during term time**

As of the 1st September 2013, Headteachers will no longer be able to grant any leave of absence for family holidays, unless there are ‘exceptional circumstances’ which support the request being made.

Where a family chooses to take a holiday during term time, the absences will be coded as unauthorised, and as such Headteachers may request that the Local Authority issues a [**Penalty Notice**](http://resources.leicestershire.gov.uk/education-and-children/schools-colleges-and-academies/school-attendance).

**Authorised non-attendance at school**

The High Court has confirmed that schools, not parents, authorise absence.

* Buckminster School must use the National Attendance Codes to ensure consistency in the treatment and recording of attendance and absence.
* In most cases, illness will be the reason for absence (code I). However, schools can also authorise absence for ‘other exceptional circumstances’ (code C). Such decisions will take place at the Headteacher’s discretion. An example would be ‘bereavement’, whereas unacceptable reasons might include ‘a shopping trip’ or ‘a birthday’.

**Unauthorised non-attendance at school**

Parents and pupils are supported at school and Local Authority level to overcome barriers to regular attendance, through a wide range of assessment and intervention strategies.

Where parental co-operation is either absent or insufficient in this process, sanctions are used as a means of enforcing attendance (never as a punishment).

The High Court has confirmed that schools, not parents, authorise absence. Parents may be prosecuted if they fail to ensure their child receives an education. The following sections of the Education Act 1996 apply:

* Section 444(1): if “a child of compulsory school age who is a registered pupil fails to attend regularly” at the school. This leads to a fine of up to £1000 per parent.
* Section 444(1A): if “the parent knows that his/her child is failing to attend regularly at the school and fails to cause him to do so” without reasonable justification. This ‘aggravated offence’ leads to a fine of up to £2500 per parent and/or up to 3 months imprisonment.

The only grounds for challenge in law to an offence under Section 444 are:

* The child was absent for medical reasons (parents/carers should obtain medical evidence to cover the periods of absence);
* The Local Authority failed to provide transport when required to do so;
* The absences were due to religious observance;
* Permission was granted by the school or there was unavoidable cause.

[**If you are leaving a school**](https://www.leicestershire.gov.uk/education-and-children/child-protection-and-safeguarding/children-missing-from-education)

**Parenting Orders**

**Section 8 of the Crime & Disorder Act 1998** makes provision for the courts to impose a Parenting Order, along with other available disposals, in proceedings for non-school attendance. Such an Order requires parents to attend parenting guidance/counselling classes over a specified period of time and could also include specific conditions (e.g. the requirement to escort their child to school each morning).

**Education Supervision Orders (ESO)**

**The Children Act 1989** makes provision for the LA to consider, in all non-school attendance legal proceedings, whether it is appropriate to apply to the Family Proceedings Court for an ESO as a means of attempting to ensure a child’s regular school attendance. This application would be made separately to any prosecution in relation to non-school attendance.

An ESO is made in respect of a child and allows the LA to provide support and give directions to a child and his/her parents in order to make sure that the child attends regularly.

[**Court Team Code of Conduct** PDF,  279 kb](https://www.leicestershire.gov.uk/sites/default/files/field/pdf/2016/12/12/Court-Team-code-of-conduct.pdf)

[**School Attendance Guidance**PDF](http://www.leics.gov.uk/school_attendance_guidance_pme_september_2014.pdf)

**Further reading**

* [**Dept for Education (DfE) Behaviour and Attendance**](https://www.gov.uk/schools-colleges/behaviour-attendance)
* [**Homeschooling / Elective Home Education**](http://www.leicestershire.gov.uk/education-and-children/special-educational-needs-and-disability/education-and-childcare/home-education)
* [**Legal and Child Employment**](http://www.leicestershire.gov.uk/education-and-children/child-employment)

[**Complaints About Schools & Education Providers - Advice For Parents**](http://www.leicestershire.gov.uk/education-and-children/schools-colleges-and-academies/complain-about-a-school)

[**Information for Schools - School Attendance and Court Team**](http://resources.leicestershire.gov.uk/education-and-children/schools-colleges-and-academies/school-attendance)