



ATTENDANCE POLICY AND GUIDELINES (annex 1)

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Education Welfare Service

School Attendance Procedures - *Draft Policy*

Introduction

Regular attendance at school is vital if pupils are to benefit fully from the opportunities which schools offer them. There is strong evidence which demonstrates that where children and young people do not attend school regularly their attainment and future career prospects are significantly affected.

It is imperative, if we are to make positive inroads into improving attendance in Darlington schools, that governing bodies adopt sound attendance policies and procedures. Head teachers and other pastoral staff responsible for attendance require clear criteria for monitoring and referring non-attendance. Parents, children and young people and those within the wider community need to contribute to the ethos of encouraging and promoting good school attendance.

All staff should be clear about how absence is to be managed in their school and their role in the process. Parents and school governors should be made aware of the school policy and the expectations and responsibilities placed upon them.

It is the duty of the LEA to enforce the law with regard to non-school attendance. The education authority employs an Education Welfare Service to discharge that duty and also to work with parents, pupils and schools to promote good school attendance.

This section provides information on the role of the school, the Education Welfare Service, school pastoral staff and Governors in relation to the attendance procedures.

What is the Education Department doing about attendance?

- An Attendance Policy with guidelines has been established to ensure a consistent approach to school management of attendance procedures
- We assist Darlington Borough Council to fulfil its statutory obligations under Section 444 of the Education Act 1996 with an established prosecution procedure
- We have embedded the Fast-track to Prosecution Framework within our legal proceedings
- We have established a regular timetable of school attendance blitzes as a whole service approach to absence
- We deliver continuing professional development / training on attendance issues to school staff and to Governors
- We allocate resources where they are most needed – the Education Welfare Service work to time allocation dependant on total school absence
- We have appointed an Education Welfare Officer to work in the primary sector as a preventative approach to non school attendance
- We offer voluntary parenting classes to any parent whose child has been referred to the service for attendance issues.
- We have established a regular timetable of truancy sweeps in conjunction with the Community Safety Police Service
- We discourage parents from taking their holidays during term time
- We take part in the DfES national truancy sweep initiative which runs twice a year. This is done in conjunction with the Police Service.
- We have established an attendance campaign from Sept 2004 which includes Radio advertisements, an Attendance Road Show in conjunction with a local radio station, A Poster campaign to raise community awareness of truancy issues, there are adverts on local buses within Darlington and we have developed School Attendance Leaflets aimed at parents
- We have established Welfare Call – re daily attendance for Looked After Children

- We are constantly developing closer links with other agencies where attendance is a shared concern and exploring ways to address truancy within the community eg Youth Offending Service, Uniformed Wardens
- We carry out 1:1 / small group work with pupils
- We are developing preventative working ie assemblies, inter agency working etc
- We have set all schools individual targets for attendance
- We collect attendance data from all schools on a regular basis
- There are systems in place to trigger areas of concern for vulnerable pupils – Duty of Care meetings / Response from Pupil Support Service
- We are in the process of establishing a town wide pass system for pupils out of school with permission. This will enable any professional with the legal power to stop members of the public (the police, uniformed wardens by the end of 2004) to carry out 'stop and check' patrols within Darlington
- We are developing links with early years practitioners to explore preventative approaches to school attendance and education welfare concerns

DARLINGTON BOROUGH COUNCIL

EDUCATION DEPARTMENT

ATTENDANCE POLICY (DRAFT)

The law requires parents to ensure that their child attends school regularly: the legal guidelines are clear regarding the rights and responsibilities of the partners in the education of children.

Attendance is primarily an issue for schools to deal with, in partnership with pupils and parents. The majority of attendance issues will be dealt with most effectively at the school level, however, on occasions there will be the need for the LEA to give schools additional support in some difficult cases, and where necessary, to utilise the powers of prosecution held by the LEA.

AIM

The aim of the Attendance Policy is:

- To support raising achievement through improving school attendance, such that the levels of attendance in Darlington's schools are the highest achievable level.
- To ensure that every pupil maximises his/her educational opportunities through regular attendance.
- To address the causes of non-attendance.

PRINCIPLES

Research has shown that where attendance is fragile, pupils fail to achieve their potential. They are thereby disadvantaged in the future labour market, and a cycle of social exclusion is initiated. High attendance rates and high achievement are inherently linked, and all children have the right to receive an appropriate education. This policy recognises that preventing and addressing the causes of poor attendance are the key to changing behaviour, and this is best effected through positive partnership work with parents, families and schools.

The LEA has a key role to play in facilitating this work in terms of promoting and sharing examples of good practice. It is appropriate that this policy recognises that the individual circumstances of each case be taken into account, but that the LEA also has a role to play in the observation of the law. As such, it is essential that every necessary and appropriate step be taken to encourage improvements in attendance, both through positive and preventive work, but also through prosecution where necessary.

Central to this process is the need for individuals to feel that they are being treated with fairness, consistency and predictability. Working with partners in this process is essential to developing good practice. There is much expertise to be drawn upon through working with the Police, YOS, Social Services and the voluntary sector. For this reason it is essential to clarify for all concerned the roles and responsibilities involved in supporting attendance at school.

ROLES AND RESPONSIBILITIES

Schools offer an environment in which pupils feel valued and welcomed, and pupils will know that their presence is important. Staff will endeavour to encourage good attendance and punctuality through personal example. Any attendance issues concerning children and young people will be raised with parents by school staff in various ways e.g. parents evenings, the school prospectus, Annual Governors Meeting, newsletters / letters etc. It is envisaged that schools will work to a staged procedure in dealing with issues of attendance, so that the roles and responsibilities of all involved are clear. These stages are outlined below:

Stage 1 and Stage 2 **School Monitoring and Support**

Is where the school has initial low-level concerns over emerging patterns of non-attendance. At this stage, the school should initiate contact with the parent and work co-operatively and preventively with the child and parent to improve the pattern of attendance. It also involves the school in addressing issues where there are greater signs of non attendance emerging, such that the child's level of achievement is endangered. At this stage the school should develop positive planning strategies to put in place an individual attendance plan for the pupil. The targets for each part should be clearly set out with strategies and processes to achieve this. This plan should be reviewed regularly by the school, and new targets set.

Stage 3 **Referral to the Education Welfare Service**

Is where the school seeks further advice in dealing with a pupil's attendance. This happens through a formal referral to the Education Welfare Service, where the strategies and Plans previously put in place for the pupils are discussed. This referral will only be accepted if there is evidence of work completed at School Support. EWS Support Plus, the allocated EWO will become involved as appropriate, carry out home visits, liaison and may verbally caution the parent about the possibility of prosecution. The work at EWS Support Plus will be targeted specifically with the pupil, family and school, may involve close liaison with other agencies, and may continue over some time.

Stage 4 **Formal procedures**

Is where work previously undertaken has been largely unsuccessful in improving the pupil's attendance. It involves the more formal procedures of first warning letters and office interviews and the consideration of the need to initiate court proceedings. It is likely that it will be appropriate to have more than one cycle of office interviews and targets set in order to support the changes in attendance behaviour.

Stage 5
Prosecution

Is where the LEA issues a Final Warning letter to the parent and may subsequently take the parent to court as required by Section 444 of the Education Act 1996 for “failing to ensure his/her child’s regular attendance at school”. After a successful prosecution, it is envisaged that work will begin again in a proactive way, back at EWS Support Plus to ameliorate the attendance problem.

ENTITLEMENT AND RESPONSIBILITIES

YOUNG PEOPLE

Are entitled to:

- full time and efficient education appropriate to his/her age, aptitude and ability
- fair and equal treatment
- be kept informed about problems
- having advice offered regarding the consequences of not improving his/her attendance

Are responsible for:

- attending school regularly
- co-operating with the school, parents and the LEA to help improve his/her attendance

PARENTS/CARERS

Are entitled to:

- know that the pupil is not attending school
- be dealt with as an individual
- updated information regarding the pupil's case

Are responsible for:

- ensuring the pupil attends regularly
- informing the school in writing where possible, or by telephone of the reason for non-attendance
- working positively with the school and other agencies where there are attendance problems

SCHOOL AND SCHOOL STAFF (including voluntary workers)

Are entitled to:

- advice and guidance about managing attendance issues
- support from the EWS with respect to difficult cases
- support from parents

Are responsible for:

- implementing school and local authority policies and strategies to secure good attendance
- making regular weekly returns to the LEA, indicating areas of concern, or patterns of attendance
- providing support to the pupil and his/her family in line with the guidelines outlined
- managing and supporting strategies to improve school attendance at Stages 1 to 3
- maintaining accurate information

	<ul style="list-style-type: none"> regarding attendance facilitating access to attendance information by the authorised officer from the LEA monitoring attendance
GOVERNORS	
<p>Are entitled to:</p> <ul style="list-style-type: none"> expect regular information from the school regarding levels of attendance 	<p>Are responsible for:</p> <ul style="list-style-type: none"> monitoring attendance in school receiving regular reports regarding attendance having a strategic overview of attendance issues in the school developing and adopting appropriate policies and procedures to secure good attendance

THE LOCAL EDUCATION AUTHORITY	
<p>Are entitled to:</p> <ul style="list-style-type: none"> regular and accurate and appropriate information from schools regarding attendance access to attendance figures expect that referrals are made only after appropriate strategies have been explored by the school expect that schools take an active part in monitoring attendance issues 	<p>Are responsible for:</p> <ul style="list-style-type: none"> monitoring levels of attendance providing schools with support in line with the staged procedures offering advice and support regarding best practice on attendance issues initiating and facilitating court proceedings for non-attendance the introduction of new legal measures to secure improved school attendance developing and implementing preventative strategies and systems across the authority to improve attendance

E.W.S. Stage 1 - School Monitoring

1.1

Form Tutors/Class Teachers have primary responsibility for monitoring attendance and punctuality. This includes maintaining an accurate register, collecting notes to explain absences, and making arrangements to contact pupil's homes, by phone, with concerns about attendance and punctuality on the first day of absence.

LATENESS

- Schools should actively discourage late arrival and be alert to patterns of late arrival which could provide grounds for prosecution.
- Schools should have a policy on how long registers should be kept open. Thirty minutes from the beginning of registration would be reasonable, but schools can set shorter periods.
- In circumstances such as bad weather or public transport difficulties, schools may keep the register open for a longer period.

1.2

If a pupil is absent for three days and there has been no contact from home, then a standard letter should be sent home. A possible suggestion to parents may be to place a pupil on Attendance Report to actively monitor attendance.

1.3

If a teacher becomes concerned about absence then the pupil should be referred to the Head of Year of Attendance Manager. A record should be kept showing all contact and conversations between school and parents.

Good practice - Stage 1 - Occasional absence

In school:

- Regular monitoring of registers.
- Phoning home on the 1st day of unauthorised absence.
- Sending a letter home on the 3rd consecutive day of unauthorised absence.
- Liaison with other school pastoral staff/HOY.
- Keeping records of actions/contacts regarding each case.

E.W.S. Stage 2 - School Strategies

2.1

Parent/guardian(s) should be encouraged to visit school to discuss attendance and strategies for improvement. An Individual Attendance Plan should be discussed and put into place. This should include information such as health and home circumstances. A copy of this plan should be given to parents/guardian(s). The parent and pupil should be given achievable target(s) to improve attendance. A date should be set for review.

2.2

Once attendance has reached an acceptable level, the pupil returns to E.W.S. Stage 1, (monitor). A letter or certificate of commendation may be given to the pupil.

2.3

If attendance has not improved the Class Teacher, Head of Year or Attendance Manager will prioritise the list of pupils to be referred to the E.W.S.

Good practice - Stage 2 - Recurring absence

In school:

- Inviting parent/guardian(s) into school to discuss ways of improving their child's attendance.
- Formalising a record of concern by writing an Individual Attendance Plan.
- Setting pupils realistic attendance targets to aim for.
- Commending pupils who achieve their target.
Or, referring pupils to the Education Welfare Service who fail to achieve their target.

E.W.S. Stage 3 - Referral to Education Welfare Officer (EWO)

3.1

Referrals to EWS must be made using a formal referral form and will only be followed up by the EWO on completion of a formal referral form. The Referral Form is to be completed by HOY/Attendance Manager and passed to the EWO during 'contact time' to ensure that time for discussion of cases is available, (see 3.3)

Criteria for referral:

- A pupil's unauthorised absence has not been resolved by liaison between the school and parent.
- The absence is persistent and has fallen below 80%.
- There has been a continuous absence for two weeks, or more, without a medical certificate or holiday note being supplied.
- There are concerns that the pupil's family have moved out of the area, without leaving a forwarding address/name of new school.

3.2

Information required on the Referral Form:

- Please see E.W.S Referral Form

3.3

Process for referring:

The EWO will meet, at regular, pre-arranged contact times with HOY or Attendance Manager to;

- Discuss the referral.
- Accept or refuse the referral, (giving valid reasons for refusal).
- Feedback on any home visits, and initial assessment.
- Discuss and agree on future action to be taken by all parties involved.

3.4

Action as a result of a referral:

- The EWO will make a home visit. If contact is unable to be made, a dated EWO card will be left, asking parent/guardian(s) to contact the EWO.
- If parent/guardian(s) fail to contact the EWO, a repeat visit will be made. This process may be repeated as appropriate.

- Once contact is made the EWO will allow the pupil and parent/guardian(s) the opportunity to identify any attendance and/or welfare concerns.
- When the initial visit of the EWO fails to secure pupil attendance, a programme of planned intervention should be pursued. The intervention plan should establish clear targets and timescales to secure the regular attendance of the pupil. **At this point the Fast-track to Prosecution framework as an appropriate intervention should be discussed by the EWO with school attendance staff and parents.(see Appendix 1).**
- **If Fast-track is pursued the LEA and schools must ensure the following elements of the Framework are put into place;**
 - **First day contact**
 - **Action taken by the school is in accordance with protocols agreed by the LEA**
 - **LEA informed after 10 consecutive days of unauthorised absence or attendance of less than 80% over a month**
 - **An assessment of the case is made by the LEA in conjunction with the school.**
 -
- **LEA –level action during Fast-track to Prosecution**
 - **Action plan put in place in week 1 and signed up to by the parent, the school and the LEA or reason given for not signing up.**
 - **Summons is applied for no later than week 6**
 - **Attendance is monitored throughout**
 - **Action Plan is reviewed during week 6**
 - **Monitoring takes place beyond prosecution**
- Targets should be monitored and reviewed.
- A copy of the action plan should be distributed to parent/guardian(s), school and EWO.
- The EWO will review the plan, and if targets have been met, the pupil returns to Stage 1.

Good practice - Stage 3 - Absence persistently falls below 80% or Child is 'missing'

- School to refer the matter to their EWO.
- Appropriate school pastoral staff to attend contact times with EWO's.
- Appropriate school pastoral staff to provide EWO with supporting written evidence for each referral.
- EWO to provide relevant school pastoral staff with up to date results from accepted referrals.

- EWO to consider school policies/practice/procedures when working with pupils/parents.
- EWO and appropriate school pastoral staff to monitor each case and liaise with one another.

E.W.S. Stage 4 - Formal procedures

4.1

If a pupil's attendance continues to remain at an unsatisfactory level, their parent/guardian(s) will be sent a First Warning Letter by the EWO, (See Appendix 2).

The EWO will continue to work with the family, as necessary, following the issue of a First Warning Letter. The pupil's attendance should improve noticeably within a specified time limit, (e.g. 10 school days). This will continue to be monitored closely by both the school and the EWO.

4.2

If a pupil's attendance has not improved within the specified time, the parent/guardian(s), and the pupil, will be invited to attend an Office Interview, (See Appendix 3), This will be led by the E.W.S. Team Leader. The Office Interview will give the family, EWO and E.W.S. Team Leader the opportunity to share any concerns and to discuss and review the pupil's action plan. The Office Interview also enables the Team Leader to reiterate the LEA's Attendance Policy, and to place particular emphasis on the possibility of continued legal action, should the parent/guardian(s) fail to ensure the pupils regular attendance at school. A specified time limit will also be set during the Office Interview, during which the pupil must have improved their attendance to an agreed level.

4.3

If a pupil's attendance remains at an unsatisfactory level after the initial Office Interview, the parent/guardian(s) and pupil *may* be invited to attend a second Office Interview. (This would follow discussions between the parent/guardian(s), pupil, EWO, E.W.S. Team Leader and school staff involved with the case), (See Appendix 4). This second interview will enable all parties to explore the options available. The parent and pupil should feel supported, to enable them to remain motivated towards achieving a consistent and regular school attendance. Options available could include; referrals to other agencies, alternative educational provision, other methods of target monitoring, etc.) As with a first Office Interview, a specified time limit, to achieve a satisfactory attendance level, will be established at this interview.

The EWO will review attendance and if targets have been met, the pupil returns to Stage 1. If attendance has not improved within the agreed time, then the pupil will move to E.W.S Stage 5.

If a parent/guardian(s) fails to attend either their first or second Office Interview, and does not co-operate with the LEA, the E.W.S will have no alternative other than to proceed with the formal legal procedure and issue them with a Final Warning Letter, (See Appendix 5).

Good practice - Stage 4 - Persistent absence from school

- EWO to send a 1st Warning Letter to parent/guardian(s) if attendance remains below 80% without satisfactory explanation.
- EWO will invite parent/guardian(s) to an Office Interview if there is no improvement 10 days after the 1st Warning Letter is sent.
- The parent/guardian(s) may be invited to attend a second Office Interview if attendance does not significantly improve within a specified time limit.
- If attendance reaches a satisfactory level, the pupil will return to EWS Stage 1.
- If attendance continues to remain at an unsatisfactory level, or the parent/guardian(s) does not co-operate with the LEA, the EWO will send a Final Warning Letter to the parent/guardian(s).

E.W.S. Stage 5 - Prosecution

If there is no improvement in attendance following the Final Warning Letter being issued, papers will be prepared to obtain a summons from the Magistrates Court.

5.2

The Education Welfare Officer will continue to work with the parent/guardian(s) and pupil up until the time of the court hearing.

5.3

Following prosecution, the parent/guardian(s) will be given an agreed amount of time to improve and maintain their child's attendance at school.

5.4

If a parent/guardian(s) fail s to improve and maintain this improvement in their child's attendance, they will be issued with a further summons to appear in the Magistrates Court.

5.5

If a pupil achieves the attendance target set and this is maintained at a satisfactory level, the case will return to E.W.S. Stage 1.

Good Practice - Stage 5 - The Legal Procedure

- EWO will continue to work with family following the issue of the Final Warning Letter.
- Following prosecution, the EWO continues to support the pupil and parent/guardian(s) until attendance targets are met.
- A further summons will be issued if attendance remains at an unsatisfactory level.

E.W.S. Attendance Procedures - Prosecution

Legislative Base

- It is the duty of parent/guardian(s) to ensure regular attendance of pupils of compulsory school age.
Section 36, Education Act 1994.
- It is the duty of the LEA to enforce school attendance and associated powers, including the power to institute legal proceedings.
Section 444 Education Act 1996.
- Education Supervision Orders.
Section 36, Children Act, 1989 and Section 447, Education Act 1996.
- The maintenance of Attendance Registers.
Pupil's Registration Regulations 1956
Section 80, Education Act 1944
The Education (Pupil's Attendance Records) Regulations 1991.

Duty of Parent/Guardian(s)

- School attendance is usually seen as part of the duty of care on the person actually looking after the child.
- Anyone who has the day to day care of a child may be prosecuted for failure to ensure the child's regular attendance, as well as people with parental responsibility who live apart from the child.

Duty of LEA's

- Darlington LEA discharges its obligations in respect of enforcing the law on school attendance by delegating power to the Education Welfare Service.
- LEA's can institute proceedings against parents who fail to comply with a School Attendance Order or who fail to secure regular attendance at school of a registered pupil.
- The DFEE circular 11.91 states: "The principal function of the Education Welfare Service, (in Darlington, the E.W.S.), is to help parents and the LEA's meet their statutory obligation on school attendance."

Duty of Schools

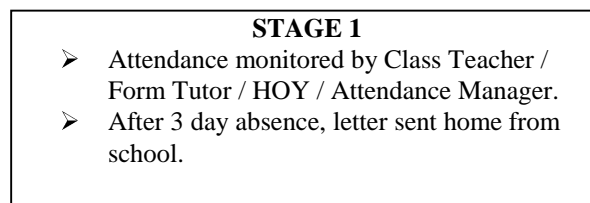
- Under regulation 7 of the 1956 Regulations, all schools are required to report to their LEA on continuous pupil absences of not less than two weeks and on those pupils who fail to attend regularly.
- The DfES Policy and Practice on Categorisation of Absence stated that : “only the school, within the context of the law, can approve absence, not parents.”

Warning Letters

- Formal Warning Letters are sent (which are prepared by the Education Welfare Officers and signed by the Team Leader) when all other strategies have failed to effect satisfactory school attendance.

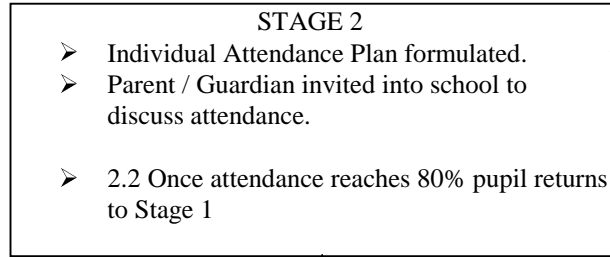
EWS School Attendance Policy Procedures

**EWS STAGE 1
SCHOOL MONITORING**

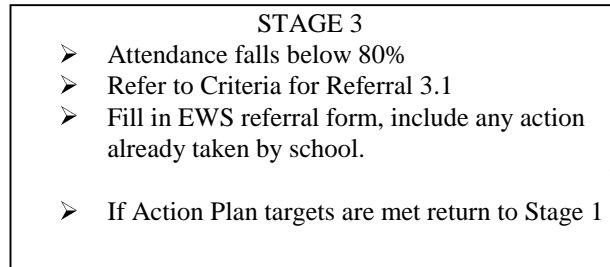


EWS STAGE 2

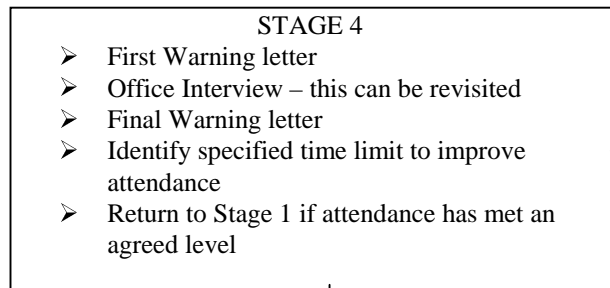
SCHOOL STRATEGIES



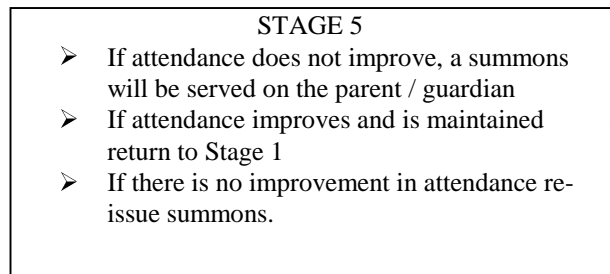
EWS STAGE 3 REFERRAL TO EWO



EWS STAGE 4 FORMAL PROCEDURES



EWS STAGE 5 PROSECUTION



EDUCATION WELFARE SERVICE

FASTRACK TO PROSECUTION CASE MANAGEMENT

- Fast Track Framework will give a 12 week timescale for appropriate EWS cases, from identified initial meeting

- The Fast Track system will be used in all schools as appropriate. It will also be used in re-prosecution cases.
- Consultation with schools with regard to the Fast Track Framework will be applied via existing procedures eg HOY contact time / parental meetings
- Identified cases will be monitored on a first day absence basis, by school staff
- EWS will need to work closely with schools to identify any resource implications before the process is implemented
- Schools are well aware of attendance procedures, but EWS has the capacity to give advice / information/training as requested or required
- Triggers will be under 80% attendance levels / absences of 10 consecutive days as recommended by DfES
- Criteria for taking a case off the Fast Track process will be a significant and sustained improvement in attendance (see agreed targets)

APPENDIX 1



FASTRACK TO PROSECUTION - EWS CHECKLIST

Pupil Name:

d.o.b.

School:

Year:

School Level Action	Date if appropriate	Comments (including home visits / letters sent / contact made etc
Referral to EWS after 10 consecutive days absence / attendance is less than 80%		
Current Attendance Level (at time of referral)		
Assessment of case made by EWS / School Staff (any mitigating factors)		
<u>LEA Action during Fast Track process</u>		
Initial Meeting of concern – complete proforma: (parent contract)		
Attendance is monitored Throughout process	Week 1 Week 2 Week 3 Week 4 Week 5 Week 6	Week 7 Week 8 Week 9 Week 10 Week 11 Week 12
Action Plan review at week 6 - Warning letters sent / improvement in attendance / summons Applied for?		

Week 12 Outcome		

APPENDIX 2

FIRST WARNING LETTER

EDUCATION DEPARTMENT WELFARE SERVICE

Town Hall, Darlington DL1 5QT
 Tel: (01325) 380651 Fax: (01325) 388883
 DX 69280 Darlington 6
 Web site: <http://www.darlington.gov.uk>

Parent/Guardian of:

Date : 18th October 2004
 Please ask for : Julie Garnett
 Direct Line : 01325 388882
 Your Reference :
 Our Reference : JA.RS01
 Document Name : 1stwl

Dear Parent/Guardian

Re:

I note that your child is still not attending school regularly despite contact being made with yourself by the Education Welfare Service to advise you as to the extent of the absences, and to offer assistance in resolving the difficulties.

Irregular school attendance will have a serious effect on your child's education if it is allowed to continue. It is your duty as the parent under the Education Act 1996 to ensure the regular and

punctual attendance of your child and I am writing to emphasise this duty so that further steps to enforce the law will not be necessary.

Please give this matter your most urgent attention and if you have any particular concerns about your child which may be having an adverse effect on his education, please contact me on the telephone number shown above, or alternatively, the school.

Yours sincerely

Julie Garnett
Team Leader
Education Welfare Service

cc file

APPENDIX 3

EDUCATION DEPARTMENT WELFARE SERVICE

Town Hall, Darlington DL1 5QT
Tel: (01325) 380651 Fax: (01325) 388883
DX 69280 Darlington 6
Web site: <http://www.darlington.gov.uk>

Parent/Guardian of:

Date : 8th October 2004
Please ask for : Julie Garnett
Direct Line : 01325 388882
Your Reference :
Our Reference : JA.RS01
Document Name : 1stwl

Dear Parent/Guardian

Re:

It has come to my notice that you are still failing to comply with the requirements of the Education Act 1996, in the matter of your child's regular and punctual attendance at school, despite the previous warnings you have received. You are aware that it is your responsibility as the parent or guardian to ensure that your child attends school regularly and as this is not happening, I must request your attendance at **Darlington Town Hall on 2004 at** to give Julie Garnett, Education Welfare Team Leader, an explanation as to why your child is not attending school regularly and to consider any further action that may need to be taken.

Please bring ----- with you when you attend.

**When you attend the interview or reply to this letter in person, in writing or by telephone:
You do not have to say anything, but it may harm your defence if you do not mention when
questioned, something which you later rely on in court.
Anything you do say may be given in evidence.**

Yours sincerely

Julie Garnett
Team Leader

Education Welfare Service

cc file

APPENDIX 3

EDUCATION DEPARTMENT WELFARE SERVICE

Town Hall, Darlington DL1 5QT
Tel: (01325) 380651 Fax: (01325) 388883
DX 69280 Darlington 6
Web site: <http://www.darlington.gov.uk>

2nd Office Interview

Parent/Guardian of:

Date : 3rd September 2004
Please ask for : Howard Walton
Direct Line : 01325 388836
Your Reference :
Our Reference : Alt.appt.
Document Name : 2nd Off. Appt

Dear Parent/Guardian

Re:

I am sorry that you were unable to attend the meeting arranged at the Town Hall on the , at am/pm to discuss the school attendance of -----.

I am aware that there may be specific circumstances, which could affect your child's school attendance levels, and an Office Interview would give all parties the opportunity to consider the current situation.

I would therefore like to invite you to attend a second office interview at the Town Hall on at am/pm. If this time is not convenient, please do not hesitate to contact me on the above telephone number so that we can arrange an alternative date and time.

Please bring ----- with you when you attend

Yours sincerely

Julie Garnett
Team Leader
Education Welfare Service

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APPENDIX 4

**EDUCATION DEPARTMENT
WELFARE SERVICE**

FINAL WARNING LETTER

Town Hall, Darlington DL1 5QT
Tel: (01325) 380651 Fax: (01325) 388883
DX 69280 Darlington 6
Web site: <http://www.darlington.gov.uk>

Date : 18th October 2004
Please ask for : Julie Garnett
Direct Line : 01325 388882
Your Reference :
Our Reference : JA.RS01
Document Name : Fin.wl

Dear

It has come to my notice that once again your child is failing to attend school regularly. I must remind you that as the parent/guardian you have a legal responsibility to ensure that any child of compulsory school age receives efficient full time education by attending school regularly or otherwise, unless there is just cause or reason to prevent it.

In this particular case, however, it would appear that you are still allowing persistent absences to occur without just cause or without any satisfactory reason. In these circumstances, I must now inform you that unless there is an immediate and sustained improvement in your child's attendance at school, the matter will be considered for legal proceedings within the provision of the Education Act 1996.

The enforcement of such proceedings, insofar as the Education Act 1996 is concerned, requires the Education Authority to prosecute the responsible parent or guardian in the Magistrates Court and,

where found guilty of an offence, such a parent/guardian shall be liable on summary conviction to a fine not exceeding £2,500 (Two Thousand Five Hundred Pounds).

The Children Act 1989 empowers the Education Authority to apply to the Family Proceedings Court for an Education Supervision Order, bringing under their supervision a child who is not being properly educated.

It is your responsibility therefore, to take immediate and effective action in order to avoid the consequences outlined above, by ensuring that your child attends school regularly in the future. I must stress that if there is no immediate improvement, legal proceedings will be commenced without further notice.

Yours sincerely

Julie Garnett
Team Leader
Education Welfare Service

APPENDIX 5

Holidays taken in term time

The advice of the Local Authority is that schools should actively discourage parents from taking their children on holiday during term time and that they should not authorise absences incurred for this reason. Parents should be made aware of this advice through the school prospectus and in schools individual Attendance Policies.

However, if parents have no other choice the Headteacher has discretion (according to the Education (Pupil Registration) Regulations 1995 to grant up to ten days absence. Permission must be requested prior to booking a holiday.

The Education (Pupil Registration) Regulations 1995

Section 8 Leave of Absence

- (1) Leave of absence may only be granted by a person authorised in that behalf by the proprietor of the school.
- (2) Leave of absence shall not be granted to enable a pupil to undertake employment (whether paid or unpaid) during school hours except – see regulations for exceptions

- (3) Subject to paragraph (4), on application made by a parent with whom the pupil normally resides, a pupil may be granted leave of absence from the school to enable him/her to go away on holiday.
- (4) Save in exceptional circumstances, a pupil shall not in pursuance of paragraph (3) be granted more than ten school days leave of absence in any school year.

APPENDIX 6

School Pass System

Schools should encourage parents and carers to arrange any appointments (medical / dental etc) outside of school hours or during school holidays.

If this is unavoidable and time for an appointment is requested during the school day, it is advisable that schools ensure the following:

Any pupil leaving school for an appointment will be signed off the premises by designated staff

Schools should keep a record of pupils leaving or returning to site in case of an emergency

Where possible a pass will be allocated to the pupil which states the school, the time the pupil left the school site, and where the appointment is to be held.

In Primary Schools, staff should ensure that pupils attending appointments leave the school site only if accompanied by an appropriate adult.

NB

Darlington LEA are planning to introduce a Borough wide pass system over the coming academic year. It is anticipated that this will ensure consistency of procedures in all schools.

It is envisaged that by the end of 2004, Uniformed Wardens will gain the necessary accreditation to enable them to stop children and young people who appear to be of compulsory school age. Wardens will then be able to request basic details eg name, address, date of birth etc, from any child or young person seen out in the community during school hours. This procedure will also allow accredited officers to check for a school pass which would confirm school permission to be absent from school. Details would be forwarded to the Education Welfare Service and followed up as appropriate.

APPENDIX 7

PENALTY NOTICES

From 27th February 2004 DfES introduced new measures to address poor school attendance and behaviour through the Anti-social Behaviour Act 2003. These new provisions are in the form of education related Parenting Contracts, Parenting Orders and Penalty Notices. Of these provisions the most significant change is that of Penalty Notices.

The Act empowers the LEA, Headteachers and/or Deputy Headteachers and the Police to issue Penalty Notices. The LEA is responsible for developing the general protocol (local code of conduct) within which all partners will operate. If Headteachers intend to issue Penalty Notices, they must gain the agreement of their governing body. Penalty Notices are not statutory, however, from September 2004, DfES will monitor their availability and application within all Education Authorities.

PLEASE NOTE

Headteachers have been consulted about the implementation of Penalty Notices in Darlington. To date, Headteachers who made a response have indicated an unwillingness to issue Penalty Notices. However, those that made a response to

the possible introduction of Penalty Notices support the Local Authority issuing them to address school attendance concerns. In order to ensure consistent practice the Local Authority must work within a local protocol (code of conduct). (A Draft Code of Conduct has been produced and is included in this document for consideration.) Once finalised this will be forwarded to legal services for endorsement.

Consultation with regard to the implementation of Penalty Notices within Darlington is due to be completed at the end of October 2004, with a roll out planned for January 2005 following a decision on usage. Further information will be included in this policy and will be forwarded to schools as soon as possible.

**DARLINGTON EDUCATION DEPARTMENT
PENALTY NOTICE
DRAFT CODE OF CONDUCT**

1. Legal Basis:

Section 23 of the Anti Social Behaviour Act 2003 empowers designated LEA officers, Head Teachers (& Deputy and Assistant Headteachers authorised by them) and the Police to issue Penalty Notices in cases of unauthorised absence from school.

The Education (Penalty Notices) (England) Regulations 2004 come into force on 27th February 2004.

The issuing of Penalty Notices must conform with all requirements of the Human Rights Act and all Equal Opportunities legislation.

The LEA has the prime responsibility for developing the protocol within which all partners named in the Act will operate

2. Rationale:

Regular and punctual attendance at school is both a legal requirement and essential for pupils to maximise their educational opportunities.

In law an offence occurs if a parent/carer fails to secure a child's attendance at a school at which they are a registered pupil and that absence is not authorised by the school. Penalty notices supplement the existing sanctions currently available under Sec 444, Education Act 1996 or Sec 36, the Children's Act 1989 to enforce attendance at school where appropriate.

The Education Welfare Service (EWS) delivers this LEA responsibility.

Parents and pupils are supported at school and LEA level to overcome barriers to regular attendance through a wide continuum of assessment and intervention strategies. Sanctions of any nature are for use only where parental co-operation in this process is either absent or deemed insufficient to resolve the presenting problem.

Sanctions are never used as a punishment, only as a means of enforcing attendance where there is a reasonable expectation that their use will secure an improvement.

3. Circumstances where a Penalty Notice may be issued:

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

Use of Penalty Notices will be restricted to 2 per pupil per academic year.

In cases where families contain more than one poor-attending pupil multiple issue may occur but this will be the subject of careful consideration and co-ordination.

There will be no restriction on the number of times a parent/carer may receive a formal warning of a possible issue of a Penalty Notice.

The issuing of a Penalty Notice is considered appropriate in the following circumstances where a pupil's attendance has fallen below 80%.

- **overt truancy (including pupils caught on truancy sweeps)**
- **Holidays in term-time**
- **Excessive delayed return from extended holidays without prior school agreement**
- **In cases of persistent late arrival after the register has closed**

To ensure consistent delivery of Penalty Notices the following criteria will apply:

- **The pupil concerned must have lost at least 10 sessions (5 school days) to unauthorised absence during the current term .**
- **Other than in specific circumstances* the liable parent/carer will receive a formal warning of the possibility of a Penalty Notice being issued and given a maximum of 15 school days to effect an improvement .**

*** *the deliberate taking of a holiday in term time without / against school permission (where it can be clearly demonstrated that the parent/carer understood that permission had not/would not be given)and where this has created a period of unauthorised absence in the current term of at least 10 sessions.***

Schools must consider every aspect of a pupil's case before considering whether a Penalty Notice would be appropriate. This must include strategic discussions with

the assigned EWO and any other attendance-support staff who have involvement with or knowledge of the pupil/family.

There shall be no restriction on the number of times a parent may be issued with formal warning of a possible penalty Notice.

4. Procedure for issuing Penalty Notices:

The LEA will issue Penalty Notices in Darlington.

This will ensure consistent and equitable delivery, retain school-home relationships and allow cohesion with other enforcement sanctions.

Penalty Notices will only be issued by post and never as an on the spot action; this to satisfy that all evidential requirements are in place and to meet Health and Safety requirements.

The EWS will receive requests to issue Penalty Notices from schools, Police, Uniformed Wardens and neighbouring LEAs. These requests will be actioned provided that:

- all relevant information is supplied in the specified manner**
- the circumstances of the pupil's absence meets all the requirements of this Protocol**
- the issue of a Penalty Notice does not conflict with other intervention strategies in place or other enforcement sanctions already being processed.**

The EWS will respond to all requests within 10 school days of receipt and where all criteria are met will:

- issue a formal written warning to the parent/carer of the possibility of a Penalty Notice being issued.**
- in the same letter set a period of 15 school days within which the pupil must have no unauthorised absence (Headteachers will have discretion to negotiate an appropriate re-integration package).**
- issue a Penalty Notice through the post at the end of the 15 day period if the required level of improvement has not been achieved.**

5. Procedure for withdrawing Penalty Notices:

Once issued, a Penalty Notice will only be withdrawn in the following circumstances:

- **proof has been established that the Penalty Notice was issued to the wrong person**
- **After investigation of the circumstances, school has authorised absences.**
- **the use of the Penalty Notice did not conform to the terms of this Protocol**

6. Payment of Penalty Notices:

Arrangements for payment will be detailed on the Penalty Notice.

Payment of a Penalty Notice discharges the parent/carer liability for the period in question and they cannot subsequently be prosecuted under other enforcement powers for the period covered by the penalty Notice.

Upon receipt, payment of a Penalty Notice within 28 days is £50 and payment after this time but within 42 days is £100. (a notice served by post is deemed to have been received on the second day after posting it by first class post)

The LEA retains any revenue from Penalty Notices to cover enforcement costs (collection or prosecuting in the event of non-payment).

7. Non-payment of Penalty Notices:

Non-payment of a Penalty notice will result in the withdrawal of the Notice and will trigger the fast-track prosecution process under the provisions of Sec 444, 1996 Education Act.

8. Policy & Publicity

Deployment of Penalty Notices as a sanction is included in the Authority's Attendance Policy.

All school Attendance Policies will include information on the deployment of Penalty Notices and this will be brought to the attention of all parents.

The LEA will include information on the use of Penalty Notices and other attendance enforcement sanctions in promotional/ public information material.

9. Reporting & Review:

The LEA will report at regular intervals to Headteachers, Police and Community Safety Partnerships on the deployment and outcomes of Penalty Notices.

LEA reports on attendance matters will include Penalty Notice use.

EWS will review Penalty Notice use at regular intervals and amend the general enforcement strategy as appropriate.

APPENDIX 8

EWS Schools with Categories and Allocated Sessions

September 2004

Categorisation Criteria

Total Attendance

PRIMARY		SECONDARY	
Above 94.4%	CAT 1	Above 92%	CAT 2
93% - 94.4%	CAT 2	90% - 92%	CAT 2
Below 93%	CAT 3	Below 90%	CAT 3

Session Allocation

PRIMARY		SECONDARY	
CAT 1	½ hour per week	CAT 1	2 sessions per week

CAT 2 1 hour per week

CAT 2 4 Sessions per week

CAT 3 1 ½ hours per week

CAT 3 6 Sessions per week

- **A session is a full morning or a full afternoon (3 hours approx)**

The LEA Attendance Target for 2004 – 2005:

Primary = 5% total absence which includes .25% Unauthorised absence