

# BRAMLEY PARK ACADEMY



## ATTENDANCE POLICY

Bramley Park Academy is committed to safeguarding and promoting the well-being of all children and expects our staff and volunteers to share this commitment.

Policy reviewed by: Lynn Dove and Kirsty Thorpe  
Date: November 2018      Review Date: September 2019

## ATTENDANCE

*'Best city... for children*

*Leeds will be a child-friendly city where the voices, needs and priorities of children and young people are heard and inform the way we make decisions and take action.'*

*Vision for Leeds 2011 to 2030*

One of the 12 wishes that Leeds' children and young people have identified in order for the city to truly be child-friendly is that "All our learning places identify and address the barriers that prevent children and young people from engaging in and enjoying learning".

Leeds' aim is to support children, young people, parents and carers, schools and services to realise that wish.

This right to education is also embedded in law. Parents and carers are required to ensure that their children receive a suitable education, either by regular attendance at school or otherwise. For the vast majority of parents and carers of children and young people in Leeds, that responsibility is met through regular attendance at mainstream and, sometimes, more specialist provision. We should also not forget that we share that responsibility as corporate parents to children who are Looked After by the local authority.

Excellent attendance is the key to ensuring that children and young people have the best life chances and opportunities. We strongly believe that having access to and receiving a good education is the best way we have to ensure that all children achieve the best possible outcome, empowering them to make the best and most positive choices about their future lives.

Given that the evidence clearly tells us that non-attendance at school is mostly only one symptom of other, often complex, problems, the aim is to deliver the right services at the right time for those children and young people who might come across barriers to being able to enjoy and engage in their learning. That's what we must do if we are to be truly the best city for children.

Although highly undesirable, ultimately parents and carers can be held to account by failing to ensure their children attend regularly. Targeted Services carry out this statutory function on behalf of the local authority in order to uphold the rights of children and young people to their education. At every step of the way, the goal and purpose of any intervention is to successfully return the child to regular attendance. However, where necessary, statutory action can and will be taken.

This guide, originally produced as a generic guide for Leeds, has been modified to reflect resource constraints imposed in April 2014 and the response of Bramley's Cluster's Partnership to work together to manage absence from school. It aims to show how instances of persistent poor attendance can be appropriately managed from the earliest intervention to statutory legal action with the goal always being successfully and safely enabling the child to enjoy and engage with their education.

## MANAGING ABSENCE FROM SCHOOL

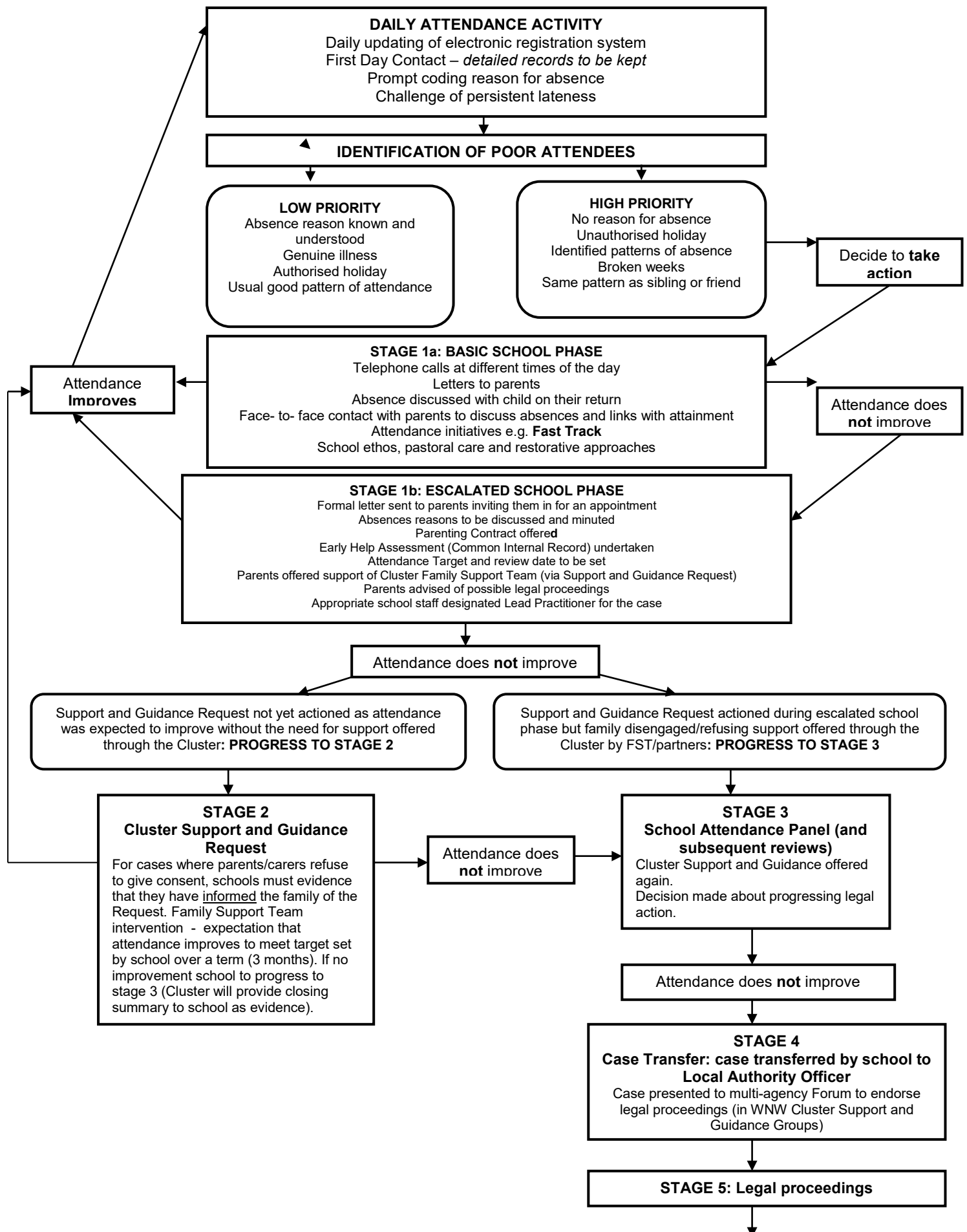
To progress from universal, school-based needs to statutory intervention in respect of poor attendance, a number of stages must be completed to fulfil the evidential requirements for a case to be presented to the court. However, it is not always a strictly linear process and an individual case may move back down to earlier stages at anytime the child's attendance improves significantly.

Sharing appropriate information about children, young people and families is critical to successful integrated, multi-agency working that is going to make a difference. **Throughout all stages, best practice dictates that all practitioners should be seeking to establish parental consent** for information to be shared with those agencies and service that might be best placed to support them ensure their child attends school regularly.

Taking a case through the stages of this process effectively calls for one person, a Lead Practitioner, to have oversight of the progress being made with the family and confidence that quality records are being maintained. Given it is the responsibility of a school to prepare a case for legal proceedings the Lead Practitioner role needs to be undertaken by a member of school staff. Any partners/Cluster Family Support Team involvement will be recorded within their agency/cluster case records. Reports on progress will be captured through the process of Early Help Plans (formerly CAF) or through updates during regular communication about cases with school staff. Partners are committed to supporting schools in their work to improve attendance and therefore every effort will be made to provide any additional information required to support the legal proceedings of a case.

- STAGE 1     -     SCHOOL INTERVENTION**
- STAGE 2     -     SUPPORT & GUIDANCE REQUEST**
- STAGE 3     -     SCHOOL ATTENDANCE PANEL**
- STAGE 4     -     CASE TRANSFER TO LOCAL AUTHORITY**
- STAGE 5     -     LEGAL PROCEEDINGS**
- STAGE 6     -     BEYOND STATUTORY PROCEEDINGS**

## OVERVIEW OF THE 6 STAGE PROCESS



## STAGE 1

## SCHOOL INTERVENTION: BASIC AND ESCALATED PHASES

STAGE 6: Beyond Statutory Proceedings

All schools should have effective systems and procedures for encouraging regular school attendance and investigating the underlying causes of poor attendance which should be set out in an Attendance Policy that sets out roles and responsibilities of schools, pupils, parents and carers in order to promote consistent messages about the importance of good attendance at school. This is supported by Bramley Cluster's Attendance Policy.

### 1a) BASIC SCHOOL PHASE

Good practice dictates that the following strategies are most effective at a universal level in encouraging good attendance:

- **First day of absence contact** (including Parent Support Adviser, Learning Mentor, text messaging, call centre, School Attendance Officer and other designated staff). For looked after children, first day of absence contact should be made with the Children's Home or with the parent/ carer if placed at home.
- **School to try to establish reasons for non-attendance and whether absence should be authorised or unauthorised.** (e.g. Absence relating to truancy, bullying, curriculum, special educational needs, medical, parentally condoned, family problems, move of house/ area etc).
- **Whole school systems aimed at early identification, monitoring and prevention of Persistent Absence** (eg. Traffic Lights system, attendance pupil analysis, action plans by whole school, year groups, tutor groups, lesson groups and vulnerable pupil cohorts, transition across key stages).

- **Attendance Initiatives (including Fast Track) and rewards**

When the Fast Track Initiative has been introduced for a family, the stages listed below are adhered to, before the remaining stages in this Attendance Policy.

- STAGE 1 – Letter received by parent/carers informing them that their child/children have been identified as being a suitable cohort for the Fast Track Initiative. Attendance is monitored for 20 school days; only genuine illness with evidence will be authorised.
- STAGE 2 – If there has not been a noticeable improvement in attendance, then parents/carers will receive a second letter informing them that ANY further unauthorised absence over the next 20 days will result in them being invited before a SAP (School Attendance Panel). The meeting will still go ahead whether parents or carers do not attend.
- STAGE 3 – School Attendance Panel. School will work with parents or carers to draw up achievable recommendations. If these recommendations are not adhered to, and there is further unauthorised absence, then a second School Attendance Panel will be held.
- STAGE 4 – If there is still no improvement, then the parent/carers will be served Issue of Penalty Notice Warning Letter and the school will process the fine and send this off to the Local Authority.

Please note that the school have the right to terminate the initiative at any point. If pastoral staff deem that alternative agencies or work needs to take place, they will seek support and guidance from these agencies to work with parents and carers to achieve a positive outcome.

If you are on the Fast Track Initiative, it is your sole responsibility as parent/carers to ensure that your child is in school, and on time. No support will be given from school staff during this period.

If the Fast Track Initiative is terminated for whatever reason, then the family automatically go onto Stage 2 (listed below).

- **Designated Attendance Leader in school to coordinate, reinforce and drive the school attendance strategy** (recommended as a member of Senior Leadership Team).

### 1b) ESCALATED SCHOOL PHASE

These strategies should enable the very early identification of potentially persistent absence, when schools should employ the following:

- **Contact by letter expressing concerns about absence, offering parents/carers the opportunity to meet with relevant school staff to discuss and try to resolve the problems.** (Including – Pastoral Staff, Form Tutor, Head of year, Deputy/Assistant or Headteacher).
- **Meeting with parents/carers and pupil** (e.g. in school or home visit).
- **In-school re-integration strategies to support a return to school and aimed at resolving any difficulties and reducing the likelihood of further absence.**
- **Swift re-inclusion of Fixed Term Excluded pupils.**
- **Actioning school Anti-bullying Policy and Procedures** (including conflict resolution)
- **Parental Agreement / Contract** (with consent this may include a referral to a Parenting Programme or to a partner agency for intervention).
- **Appointment of a designated member of staff who is responsible for the identification, mentoring and monitoring of all pupils who are considered “vulnerable”.**
- **The use of the Early Help Assessment; schools predominantly use the Common Internal Record (CIR) (partner agencies may use other assessment tools) to determine the child/family’s needs in order to provide effective intervention or to identify the most appropriate service. This may need to progress to a multi-agency plan and, for the intervention of partner agencies to be co-ordinated, someone will need to fulfil the Lead Practitioner role.**
- **Where the Early Help Assessment evidences a clear role for a family support practitioner and the parent/carer is volunteering to engage with this type of intervention a Cluster Support and Guidance Request should be submitted so that the Family Support Team can work alongside school to empower the parent/carer to bring about the necessary changes to improve their child/ren’s school attendance.**
- **It is the responsibility of school staff to keep accurate records of all interventions in case of future legal action. This being the case, whilst practitioners from partner agencies and the Cluster Family Support Team may be involved in the plan to improve attendance, it is a necessity that school staff undertake the Lead Practitioner role throughout all stages of the process, taking a lead on the reviewing of the case. Partners involved need to feedback their progress direct with the school.**

If there are on-going concerns regarding a pupil who is in public care or where there are safeguarding concerns, the school will need to make direct contact with Children Social Work Service.

Schools are legally obliged to notify the Local Authority of pupils who have been absent for 10 consecutive days without any contact from the parent/carer and where the school have exhausted their efforts in trying to achieve contact with parent/carers and have failed to ascertain a reason for the absence, and it is then deemed unauthorised.

**\* ‘School’ also refers to Pupil Referral Units, SILCs and other educational establishments.**

Once stage 1 interventions have been progressed and there is no improvement in attendance, a decision needs to be taken by the school as to whether to progress to stage 2 or 3. This will be determined by whether the family consented to a Support and Guidance Request during stage 1. If they did and still no progress is being made or they have disengaged from the support offered then stage 3, the School Attendance Panel, needs to be the next step. Otherwise, stage 2 a Support and Guidance Request should be pursued.

## STAGE 2 - THE SUPPORT AND GUIDANCE REQUEST

Support and Guidance Requests are to be submitted with a current attendance certificate and evidence of stage 1 interventions. It is recognised that the engagement of the family with school may have broken down and have presented barriers to the undertaking of an Early Help Assessment (Common Internal Record) with the child and family. However, as comprehensive an assessment as possible needs to be completed and for practitioners' convenience this is an integral part of the Cluster's Support and Guidance Request Form.

The Cluster's Leadership Team screen cases on a weekly basis. Where there is evidence that the functions of the Family Support Team can meet the needs identified and in doing so help bring about an improvement in attendance, the case will be allocated to a family support practitioner direct.

Where consent has been given, the Family Support Team will follow standard procedure by contacting the school to explore the most appropriate way in which to be introduced to the family which may or may not involve school staff.

Where consent has not been given, the school will have evidenced that the family has been informed of the request. In all such cases, the introduction of the practitioner to the family must be led by the school and is likely, given the lack of engagement, to involve a **joint home visit** at which the school staff (ideally the Lead Practitioner) can reinforce the attendance concerns and the risk of legal proceedings should the family choose not to accept the support being offered by the Family Support Practitioner.

In some instances, a decision will be taken to present the request to the Cluster's Support and Guidance Group. This will be for cases that present of a complex nature, with historical information evidencing entrenched issues and/or with a range of partners previously or currently involved. This will include those requests where there is evidence that the Cluster's Family Support Team is not equipped to offer the right intervention. At the meeting, group members will discuss which services are most appropriate to carry out the work required in order to improve the child's attendance. This means that there are a range of practitioners who could, potentially, be allocated to support the school and form a part of the team around the child/family.

In all cases, the practitioners to be involved must have face to face contact with children and any adults with parental responsibility. Where contact has not been made, evidence must be recorded of all reasonable alternative methods being used e.g. visiting early/late, visiting without appointment, evening visits etc. These efforts must be shared with school through the process agreed to review progress (i.e. Early Help Plan, formerly CAF if multi-agency, update/review meetings if only one other agency working alongside school).

It is expected that the work of the Family Support Team or partner agency may need to involve supporting school to undertake the Early Help Assessment, particularly where the relationship between the family and school has broken down. Given the necessity for school to monitor attendance, in such cases, school staff would always maintain the Lead Practitioner role.

If with Cluster support and guidance interventions in place, engagement with the family is not achieved and sustained, or there is no improvement in attendance then the case proceeds to stage 3 and a School Attendance Panel is convened by the school.

## **STAGE 3 - THE SCHOOL ATTENDANCE PANEL**

Where intervention at Stage 2 has not brought about a significant improvement (or stage 1 where Cluster support and guidance interventions have already been pursued), a School Attendance Panel (SAP) will be convened by the school. This meeting marks the first formal meeting at which the possibility of statutory intervention i.e. legal proceedings may be discussed.

Historically in Leeds, these meetings have been chaired by a member of the Local Authority's Attendance Strategy Team in order to present a clear and strong message to the family the seriousness of the situation. There is as much evidence to suggest that this approach has worked as there is evidence that the Authority's involvement in SAPs has lacked influence.

There are a several options as to who is best placed to Chair the SAP and a decision needs to be taken on a case-by-case basis. Options include:

- member of the school's senior leadership team;
- school's lead practitioner for the case;
- member of the Cluster's leadership team (i.e. the Targeted Service Leader, Targeted Service Officer, Family Service's Co-ordinator or Children Centre Managers);
- attendance officer/designated lead from another school within the Cluster.

Members of the Panel should include;

- school's lead practitioner for the case;
- designated representative of the school e.g. primary headteacher, secondary head of year (this representative must be able to effect decisions in respect of provision, curriculum, re-integration etc and be able to respond to challenge in respect of school-based practice);
- the Chair;
- School Governor, (preferably the Attendance Governor);
- practitioners from partner agencies/Cluster Family Support Team working with the child/family.

Where appropriate, the Panel should also include:

- Representatives of CSWS, Youth Offending Service, Pupil Planning Team and other agencies following appropriate consultation.
- Representative of targeted services (Targeted Service Leader or Officer)

The parents/ carers (including absent parents with parental responsibilities) are invited by letter from the school in which the seriousness of the situation is stressed. They are asked to ensure the pupil also attends, unless it is age inappropriate.

Where a panel is convened for a pupil who is 'looked after' but placed with parents, both the parents and CSWS representative should be invited to attend.

NB: Prior to bringing the case to the Panel, the lead practitioner should check with the Special Educational Needs Coordinator (SENCO) and SEN Statutory Assessment and Provision (SENSAP), Complex Needs Service to ascertain any involvement.

The school lead practitioner will submit a summary of the situation and work undertaken and the impact of that work and a current registration certificate to the Panel. The Panel will give advice as to further work required to resolve the difficulties regarding the school attendance. The most appropriate course of action will be agreed and time scales specified. A review will be arranged only if the Panel decides that this is relevant.



**It is important that the views of the parents/ carers and pupil are listened to and taken into consideration, and any mitigating circumstances noted.**

Where bullying is alleged as a reason for poor attendance, this should be formally investigated through the schools Anti-bullying Policy before proceeding to Stage 4.

The Panel should also be satisfied that the pupil's absence is not related to unmet additional or special educational needs.

The Panel has the authority to:

- Initiate a Parenting Contract (for Attendance or Behaviour)
- Issue a Penalty Notice warning
- Issue a Penalty Notice
- Recommend the instigation of legal proceedings, subject to approval by the Cluster's multi-agency forum (the Support and Guidance Group).
- Consider a Parenting Order for behaviour where Fixed Term Exclusion is a key factor in the absence from school.

**Legal proceedings** could take the form of prosecution of parents in Magistrates Court resulting in a fine, a fine/imprisonment in the case of an Aggravated Offence, or a statutory Parenting Order (attendance).

The Family Court can impose an Education Supervision Order (ESO). ESOs and Parenting Orders are for a maximum of 12 months but can be extended up to 3 years if appropriate. The Panel would be expected to indicate to the Cluster's Support and Guidance Group which form of proceedings would be most suitable (including reasons for not pursuing an Education Supervision Order). Parents/carers and pupil (if appropriate) must also be informed of the outcome of the Panel meeting in writing.

## **STAGE 4 - CASE TRANSFER TO LOCAL AUTHORITY DESIGNATED OFFICER**

If legal action has been agreed at the SAP, the case will be handed over from the lead professional to the Local Authority's designated officer (currently the Attendance Adviser). A prosecution checklist (see appendix) is used to support the handover from the lead practitioner which itemises all tasks and information that must be complete in order to prepare the relevant reports.

The Attendance Adviser presents the case to a multi-agency panel (currently in WNW the relevant Cluster's Support and Guidance Group) to seek their endorsement that all appropriate interventions have been offered and to conclude whether the case should be progressed for legal action. The school's lead practitioner or representative is encouraged to support the presentation of this case to the Cluster's Support and Guidance Group.

In the event that the Attendance Adviser requires further evidence or investigation prior to legal action, advice and instruction will be given to the lead professional, within an agreed timescale.

Once a case is approved for legal action, the case transfers to the Local Authority. Although by this point, the vast majority of work with the young person and his/her family will have been done, it is not unusual for contact with the family by the lead practitioner and partners working with the family to continue and this should be communicated to the Adviser and recorded in the usual way.

If schools have any concerns relating to cases not being approved by the Cluster Support and Guidance they should raise this with the Attendance Adviser in the first instance.

### **Officer Responsible for Legal Action**

The Attendance Adviser will be responsible for writing the report for the Cluster's Support and Guidance Group, using the lead practitioner report for the School Attendance Panel, supplemented by relevant information from partners involved. If additional information is required for the Group or by the Group, the Attendance Adviser will liaise with the lead practitioner.

## STAGE 5 - LEGAL PROCEEDINGS

If the Cluster's Support and Guidance Group (SGG) endorses legal proceedings, the Attendance Adviser will prepare the witness statement for court. This is forwarded to the Authority's legal services along with case instructions and an accurate, recent certificate of attendance, signed by the Headteacher. The legal case is laid before the courts within 6-8 weeks of the SGG decision. Attendance Advisers are only required to attend court proceedings and to give evidence for 'not guilty' pleas. It is possible, although highly unlikely, that other witnesses will be called to court (witnesses being those officers/practitioners who have firsthand knowledge of the details of the case).

### Prosecution Outcomes

**Headteachers may be required to attend court if parents or their representative question the validity of the Certificate of Attendance. It is therefore essential that attendance registration data is accurate.**

Where legal action is instigated following the non-payment of a Penalty Notice for 'parental holidays in term time', Headteachers will be required to provide written evidence in support of the prosecution under the Education Act 1996 (section 444).

In exceptional circumstances prosecution cases may be withdrawn, where there has been full consultation between the relevant adviser and legal services. All such discussions must be recorded.

Such circumstances include:

- Upon Medical advice
- Upon advice from Legal Services

Where legal proceedings under the '**Aggravated offence**' could result in a custodial sentence, the Attendance Adviser will notify Children Social Work Service (CSWS) and liaise closely to ensure that the child/ young person is properly cared for.

An Attendance Adviser will be the **Supervising Officer** for any Orders (eg. Parenting Order, Education Supervision Order) made through the courts.

Where a Rehabilitation Order or Community Service Order is made the Attendance Adviser will jointly oversee this order, along with the supervising Probation Officer.

In certain cases defence solicitors may present Independent Psychologist reports as mitigation of poor attendance. The best way of managing such evidence is to try to identify and anticipate any such occurrences prior to the Support and Guidance Group, where possible. For any cases likely to proceed to prosecution it is essential that consultation takes place with the school SENCO and where necessary the Educational Psychologist (i.e. where the pupil is already known to the Complex Needs Service and has additional cognitive or social/emotional/behavioural needs), to consider or challenge any potential or mitigating circumstances which may have affected the child's attendance.

In some circumstances it may be necessary for Complex Needs Service to respond to an independent psychologists report. In such cases, the report will be forwarded to the school's Education Psychologist, to indicate whether it appears reasonable for the child or young person to have attended regularly at the school. If the child or young person has not previously been known to the Complex Needs Service this report will be anonymised, and subsequently destroyed.

In such circumstances it is essential that the Attendance Adviser makes known any circumstances of parental non-cooperation.

Prosecution of Parents/ Carers	Education Act 1996 Section 444	Max. fine £1000 or Conditional Discharge (up to 12 months)
Aggravated offence	Education act 1996 Section 444 (1) (A)	Max. fine £2500 Up to 3 months Imprisonment (or both) Magistrates may issue Community Orders e.g. Community Service Order, Rehabilitation Order
	Crime and Disorder Act 1998 Section 8	Parenting Order
Application to Family Court	Children Act 1989 (as amended) Section 36	Education Supervision Order

## **STAGE 6        -        Beyond Statutory Proceedings**

There are some instances where the absence remains unsatisfactory, despite all the family support and intervention at pupil, family, school and cluster level. This is likely to be due to a range of factors that might include a lack of engagement with services, an escalation in the nature of the family's problems or the child's behaviours and/or a presentation of complex problems which require a level of service that is not available at a cluster level.

In such instances, requests for targeted services such as Multi-Systemic Therapy, Family Intervention Service (including Signpost), Family Group Conferencing can be made through the Cluster's Support and Guidance Group. A WNW Allocation Group meets to consider all such cases. The tariff of cases presented are usually that of children and young people at the edge of care or at risk of significant harm.

Beyond these interventions, cases can be referred to the relevant area panel. In the West North West this is currently the Children and Families Partnership Panel.

In the case of a parent having been imprisoned for failing to ensure their child attends school and this not resulting in any improvement in attendance, an immediate referral to the Children and Families Partnership Panel should be submitted.

### **CASE CLOSURE**

With the exception of a 1A case resulting in imprisonment, following legal proceedings cases will be closed by the Attendance Adviser and the headteacher will be informed in writing of the outcome. The cluster will be informed via the Targeted Services Leader (verbally) at the next available Guidance and Support meeting that the case is closed due to completion of legal proceedings (except in cases where Orders are in place).

*Following the closing of the legal phase, if the child's attendance is still not satisfactory the case would need to proceed through the process again starting with the school holding a meeting with the parents after the court proceedings. NEEDS CHECKING..*

**Prosecution Checklist**

- Pupil's full name
- Pupil's date of birth
- Details of Ethnicity and Language used in the home
- Who has legal parental responsibility?
- Father's full name, address and telephone numbers, including mobile
- Father's date of birth
- Mother's full name, address and telephone numbers, including mobile
- Mother's date of birth
- Are there any other adults in the house?
- Have you tried to contact all appropriate adults in the case?
- Evidence of different types of communications, i.e. copy letters, telephone calls, home visits, minutes of meetings etc, including if the family have not co-operated.
- Evidence that targets for improved attendance having been set and not achieved and that parents have been made aware that legal action could be taken against them
- Have the parents made any comments regarding the potential prosecution?
- Was a Parenting Contract offered to the parents? If so please attach
- Has a EHA been offered/completed?
- Have other agencies been consulted regarding the prosecution? What are their views
- Are there any Special Educational Needs? If so, evidence needed that the case was prioritised for Educational Psychologist support.
- Are there any behavioural issues? If so evidence needed that school has tried to address any bullying issues raised, action plans, pupil support plans, alternative programmes etc.
- Are there any mental health issues with the child? If so was the case signposted to support agencies? please specify.
- Are there any proven mental health issues with the parent? If so please specify.
- Are there any other family issues, i.e. substance misuse, domestic violence, ASB etc. Evidence of contact with other agencies required, please specify which agencies are/or have been involved and which are currently involved.
- Are there any Health & Safety issues relating to risks to staff visiting the home, i.e. aggressive adults, animals etc.
- Copies of registration certificates, current and previous year
- List of all siblings, DOBs, schools and print-outs of attendance.
- Has the feelings of the child been ascertained regarding this possible prosecution?
- Have any issues been raised regarding school transport? If so how was this resolved.
- Is a significant amount of absence apparently due to illness? If so what investigations have been made to ascertain whether or not the illness is genuine.

**For any Prosecution a 6 month time limit is required from date of first unauthorised absence**