

Warwickshire's guidance on school attendance

Information can be found here - <https://www.warwickshire.gov.uk/school-attendance/school-attendance-guidance-parentscarers>

Introduction

Improving attendance is everyone's business. The barriers to accessing education are wide and complex, both within and beyond the school gates, and are often specific to individual pupils and families. Good attendance begins with school being somewhere pupils want to be and therefore the foundation of securing good attendance is that school is a calm, orderly, safe, and supportive environment where all pupils are keen and ready to learn.

For some children, attending school every day will be harder than for others. Many factors can impact on school attendance including minor ailments, more serious medical conditions, SEND needs, undiagnosed needs, mental health, bullying, cost of living pressures, etc.

These factors can all add to additional challenges to attending school and require a supportive approach. This is why schools, and Warwickshire County Council are committed to working together with families to remove barriers and support your child's attendance.

The statutory DfE guidance [Working together to improve school attendance \(GOV.UK\)](#) sets out positive expectations for maintained schools, academies, independent schools, and local authorities to support you.

Warwickshire Attendance Service Approach to School Attendance

Warwickshire County Council is committed to supporting schools, families and partners to ensure that every child of compulsory school age receives an efficient, full-time education that is suitable to their age, aptitude and any special educational needs. Our approach recognises that regular attendance is essential for children to achieve well academically, develop positive wellbeing and secure the best possible life chances.

Improving attendance is everyone's business and requires a whole-system, supportive approach, recognising that the barriers to school attendance are often complex and individual to each child and family. Warwickshire works collaboratively with schools and families to identify and remove these barriers, promoting calm, safe and inclusive school environments where children want to attend and are ready to learn. This approach is underpinned by statutory expectations set out in the Department for Education's Working together to improve school attendance guidance.

Expectations of parents

Your responsibilities for your child's attendance

The meaning of 'parent' in relation to a child includes any person who is not a parent but who has parental responsibility for the child or who has care of the child, as set out in section 576 of the Education Act 1996. As a parent, you are legally responsible for making sure your child gets a suitable full-time education, usually from the age of 5 to 16.

For most parents, this will mean making sure your child is in school every day except when:

- Your child is too ill to go to school.
- You have permission for a leave of absence from your child's school for them not to attend. You should only ask for this in exceptional circumstances only.
- A day that is exclusively set apart for religious observance by the parents' religious body (not the parents). The DfE define this as 'a day exclusively set apart for religious observance' as a day when the pupil's parents would be expected by their religious body to which they belong to stay away from their employment to mark the occasion.

Whilst some absence is unavoidable, it is important that, if possible, your child is in school every day they can be for their learning, wellbeing and development.

What to do when your child is absent from school

You should contact their school as early as possible on the first day of absence to explain why. If you do not, your child's school will contact you on the first morning of their absence to find out why your child is not in school. This process will be set out in the school's attendance policy. The attendance policy should be available on the website of your child's school.

All parents can request a 'leave of absence' for their child which gives them permission to be absent from school. However, parents should plan their holidays around school breaks and avoid seeking permission from schools to take their children out of school during term time unless it is unavoidable. Your child's school has the final say over whether to approve the request as an exceptional circumstance and the school will determine the number of days a pupil can be absent from school.

Children with short-term illness

If your child is ill, read the [NHS advice](#) to help you decide whether they can go to school. If they are too ill to attend, you are not breaking the law and will not be penalised. You should let the school know as soon as possible on the first day of absence and schools must record such absences as authorised. If the absence due to illness is ongoing or frequent you should speak to child's school to see what support can be put in place.

Do I need to provide medical evidence to support my child's illness related absence?

If your child is too ill to attend school, schools must record these absences as authorised. In the majority of cases medical evidence is not needed, but schools may ask you for evidence where:

- Your child is regularly absent because of illness, to assess how they can help your child by putting the right reasonable adjustments in place.
- In a small number of cases where they have reason to believe your child was not too ill to attend and a conversation cannot resolve the issue.

If you are asked to provide evidence this does not need to be a letter from your doctor or consultant, and doctors will not usually provide such letters. It can, instead, be appointment cards, prescriptions, or notes of previous consultations (including from the NHS App).

A lack of written evidence must not prevent the right support being put in place or the absence being authorised if you can demonstrate your child was, or is, unable to attend, or is awaiting

treatment. If you are asked for evidence you cannot provide, a conversation between the school, child and parent should help to resolve the issue.

Dental and medical appointments

To avoid disruption to your child's attendance, with routine medical and dental appointments, you should try and book them outside of the school day whenever reasonably possible. When this is unavoidable, you should inform the school in advance and collect them as close to the time of the appointment as possible and return them to school for the rest of the school day afterwards.

Expectations of schools

All schools have a continuing responsibility to proactively manage and improve attendance across their school community.

Attendance is the essential foundation to positive outcomes for all pupils including their safeguarding and welfare and should therefore be seen as everyone's responsibility in school.

The most effective schools consistently promote the benefits of good attendance at school and make schools a place pupils want to be, set high expectations for every pupil, communicate those expectations clearly and consistently to pupils and parents, systematically analyse their data to identify patterns to target their improvement efforts, and work effectively with the local authority and other local partners to overcome barriers to attendance.

They also recognise that attendance cannot be seen in isolation and that the foundation to good attendance is a calm, orderly, safe and supportive environment in which all pupils can learn and thrive.

To manage and improve attendance effectively, all schools are expected to:

- Build strong relationships and work jointly with families, listening to and understanding barriers to attendance and working in partnership with families to remove them.
- Develop and maintain a whole school culture that promotes the benefits of high attendance.
- Have a clear school attendance policy which all staff, pupils and parents understand.
- Accurately complete admission and, with the exception of schools where all pupils are boarders, attendance registers and have effective day to day processes in place to follow-up absence.
- Regularly monitor and analyse attendance and absence data to identify pupils or cohorts that require support with their attendance and put effective strategies in place.
- Share information and work collaboratively with other schools in the area, local authorities, and other partners where a pupil's absence is at risk of becoming persistent or severe.
- Be particularly mindful of pupils absent from school due to mental or physical ill health or their special educational needs and/or disabilities, and provide them with additional support.

Leave of absence

Leave of absence for the purpose of a family holiday

Generally, the DfE does not consider a need or desire for a holiday or other absence for the purpose of leisure and recreation to be an exceptional circumstance.

The Supreme Court clarified has clarified the law on unauthorised leave, including holidays, during term time (Platt v Isle of Wright 2017). The Supreme Court has made clear that attending school 'regularly' means that the children must attend school on every day that they are required to do so. As such, the parents of any child who is absent from school without authorisation for any length of time are likely to be considered as committing an offence under s444 of the Education Act 1996.

- The law states a leave of absence may only be granted by a school if an application is made in advance and if it considers there are exceptional circumstances relating to the application.
- Schools must judge each application individually considering the specific facts and circumstances and relevant background context behind each request.
- A leave of absence is granted entirely at the school's discretion. Generally, a need or desire for a holiday or other absence for the purpose of leisure and recreation would not constitute an exceptional circumstance.
- Where a leave of absence is granted, the school will determine the number of days a pupil can be absent from school.
- When making an application for Leave of Absence parents are advised to give sufficient information and time to allow the Head teacher the opportunity to consider all the exceptional circumstances and to notify parents of their decision. The school may also request further information on the application and supporting documentation where appropriate.
- It is advised that if the resident parent has not received notification or a response regarding the leave of absence application, it is their responsibility to ascertain if the leave is authorised prior to the start of the leave.
- The school can only consider Leave of Absence requests which are made by the 'resident' parent i.e. the parent with whom the child normally resides.
- Where applications for leave of absence are made in advance and refused, the child is expected to be in school on the dates set out in the application. If the child is absent during that period, it will be recorded as an unauthorised absence. Where a leave of absence is requested, but additional days taken either prior to or after the request may be considered as part of the leave of absence.
- Leave of Absences which are not made in advance cannot be authorised in line with legislation. This will result in the absence being recorded as 'unauthorised'.
- All matters of unauthorised absence relating to a Leave of Absence will be referred to the Warwickshire Attendance Service, part of Warwickshire County Council. Penalty Notices are issued in accordance with Warwickshire County Council's Code of Conduct

for Penalty Notices and in the first instance, as an alternative to prosecution proceedings.

The law relating to Penalty Notices is due to change with effect from 1 September 2024.

Therefore, Penalty Notices issued for Leave of Absences taken after this date will be issued in accordance with the updated legislation.

- Penalty Notices are issued to each parent of each absent child, (for example 2 children and 2 parents, means each parent will receive 2 invoices – 4 in total).
 - **First Leave of Absence offence:** The Penalty Notice amount of £160 to be paid within 28 days, this is reduced to £80 each child if paid within 21 days.
 - **Second Leave of Absence offence** within a 3 year period (from the date of issue of the first penalty notice): The amount of £160 paid within 28 days. No reduced amount.
- Payment plans will not be offered and/or payments received outside of the 28 day period will not be accepted. Where a penalty notice expires unpaid the matter will be referred to Warwickshire County Council's Legal Services to consider criminal prosecution.
- **Third Leave of Absence offence** within a 3 year period (from the date of issue of the first penalty notice) A penalty notices will be not be issued and the matter will be referred to Warwickshire County Council's Legal Services to consider instigating criminal prosecution proceedings under S444 of Education Act 1996.

Additional information (frequently asked questions)

If your child is struggling to attend because of an issue in school

The first step is to talk to your child's school about why your child is missing school, and what help the school can give. You should still do everything you can to help your child attend as much as possible whilst waiting for help and support to be put into place. Information on who in school you can contact for help, including the school's senior leader responsible for attendance, can be found in the school's attendance policy on its website or available in hard copy from the school. The school and Warwickshire County Council are required to follow the expectations set out in the guidance document [Working together to improve school attendance \(GOV.UK\)](#).

If your child is struggling to attend because of something that is happening at school, their school is expected to work with you (and your child if they are old enough) to overcome the issues. You should agree a set of joint actions with the school that you have all developed together to support your child. This will often include a commitment to support you and your child by working together or help you to access support services in exchange for an agreement from you (and your child if they are old enough to understand) to take part in the support offered. The school should also arrange mutually convenient times for you to come together to review these actions and your child's progress.

Depending on the reasons for your child's absence, this may take the form of an action plan, an early help plan, or a parenting contract.

If your child is struggling to attend because of an issue at home or getting to school

Talking to the school should be your first step, they are required to help you access the support you need – such as from Early Help, a school nurse or Education Services.

The Warwickshire Attendance Service will work with the school and provide advice, guidance and support to access to the support you need if the issues you or your child are facing are beyond the school's ability to support.

Accessing support for children with long term illness or special educational needs and disabilities

Help if your child has a long-term illness, special educational needs or a disability that is impacting their attendance

If your child is regularly absent from school because of illness (regardless of whether it is mental or physical) or special educational needs or a disability, they have the same right to a suitable full-time education as any other child. You should work with your child's school to discuss the reasons and make sure the right support is in place.

All schools are expected to provide support in these cases. More information can be found in your child's school's policy on [supporting pupils with medical conditions](#).

Schools are expected to:

- Work with you to make reasonable adjustments to help your child attend. These could include adjustments to uniform, transport, routines, access to support or lunchtime arrangements.
- Ensure your child receives the right pastoral care and in certain cases consider a time-limited phased return to school where appropriate, for example for those who have anxiety about school attendance.
- Work jointly with other services including your local council and health services.
- For pupils with a long-term medical condition – either physical or mental – schools are also expected to make attendance support a key feature of any individual healthcare plan.
- For pupils with [Education, Health and Care plans](#) - ensure access to any provision outlined within the plan.

To make this effective, it is important that you are open and work with your child's school by sharing written information regarding your child's needs. This will help agree the right support and take an active part in agreeing and putting in place the solution.

If your child has an Education, Health and Care plan, and is out of school for more than 15 days, we expect the school to inform SENDAR who are responsible for your child's plan. This is to ensure that they are aware of the situation and to seek their support for your child where necessary.

Help if your child is too anxious to go to school

Attending school usually helps to protect your child's mental health, for a range of reasons including giving them a chance to be with friends and to benefit from learning. However, some

children can be anxious or worried about going to school, particularly around the start of the new year or joining a new school or class. This is a normal emotion, and not necessarily indicative of an underlying mental health condition.

If their anxiety continues and becomes an attendance issue, you should speak to your child's school together with your child about why they are anxious and what can be done.

The [Family Information Service](#) can also provide you with information and access to support.

Can my child's school force me to remove my child from school and home educate?

Elective Home Education should always be a positive choice taken by parents without pressure from their school.

If your school has asked or is putting pressure on you to remove your child from school to home educate, this is known as off-rolling. Off-rolling is the practice of removing a pupil from the school roll without using a permanent exclusion, when the removal is primarily in the best interests of the school, rather than the best interests of the pupil. This includes pressuring a parent to remove their child from the school. While it may not always be unlawful, Ofsted and the Department for Education believe that off-rolling is never acceptable.

[More information can be found on the home education pages.](#)

Formal and legal action where voluntary support hasn't worked or isn't taken up

If your child is absent from school without permission or a valid reason, you are likely to be breaking the law.

If your child hasn't attended because they are struggling to, both your child's school and Warwickshire County Council will work with you to put the right support in place to help you.

If you do not take part in that support, or it doesn't work because more structured formal support is needed, then your child's school or Warwickshire County Council may:

- Invite you to agree to a attendance contract. This is not a punishment or a criticism of your parenting. It is a more formal action plan that sets out what you will do to improve your child's attendance and what your child's school and/or your local council will do to support this.
- Apply to the family court for an education supervision order to ensure you and your child receive advice, assistance and direction to make sure they receive a suitable full-time education.

If you do not make any effort to improve your child's attendance or it is clear you have knowingly allowed your child to be absent without good reason your local council may prosecute you to protect your child's right to a full-time education. Even during this process, you have the opportunity to accept and engage in voluntary support (such as an early help assessment) or formal support (such as a parenting contract or education supervision order) to prevent the case from going to court. If found guilty you may be given a parenting order, community order, a fine of up to £2,500 or in very exceptional circumstances a sentence of up to 3 months in prison

