VALE of GLAMORGAN



ATTENDANCE POLICY

Revised October 25

Strong Communities with a Bright Future

VALE of GLAMORGAN
BRO MORGANNWG

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Introduction

The aim of the Vale of Glamorgan Local Authority is to create an environment in which all children and young people can flourish as members of a happy, caring and safe school and wider community. It is our goal that all our children and young people attend school regularly and on time, making the most of the opportunities available to them.

The Vale of Glamorgan (VOG) Inclusion Team aims to work in partnership with our schools to monitor and address a wide range of attendance issues to make the above a reality.

Schools in the VOG are supported in all matters relating to school attendance including Children Missing Education (CME), Elective Home Education (EHE) and the welfare of non-attending learners etc by the Inclusion team in collaboration with the Admissions team and the Data support teams for SIMS and ONE.

Inclusion team officers will advise on matters such as the need for referral to other Local Authority (LA) teams such as: Learning Links (previously known as Vulnerable Groups team), Additional Learning Needs team (ALN), Interim and Re-engagement panel (IRP), Educational Psychology service (EPS) or support from the Engagement Service (ES).

All references to roles and remits of the Education Welfare service (EWS) are, in the VOG since September 2021, functions which are carried out by Inclusion and Engagement Officers as opposed to Education Welfare Officers (EWO) and EWS.

The following document outlines our commitment to supporting schools in addition to outlining school responsibilities within this process.

There are also links provided to key attendance documents which frame the work undertaken, to ensure that young people and children in the VOG benefit from regular school attendance. The **VOG Attendance Toolkit** developed by the Inclusion Team will be sent to schools annually.

Key Aims

This document will:

- Provide guidance to develop and implement whole school attendance strategies.
- Summarise efficient and effective early intervention and support strategies.
- Identify Schools responsibilities and parental responsibilities with regards to attendance related issues
- Outline information which should be included in School Attendance Policies in the form of a draft school attendance policy.
- Explore the use of data analysis to support positive attendance strategies and proactive response to attendance trends.
- Provide a pack of model letters that can be used by schools to promote good attendance and communicate with parents on these issues.
- Encourage educational provisions to work collaboratively with a range of partners to support and promote the welfare and wellbeing of children and young people.
- Outline the Local Authority's role in dealing with non-attendance.
- Explain legal contexts such as Fixed Penalty Notices and other Legal frameworks and provide guidance in relation to the use of Fixed Penalty Notices (FPNs) as a measure to improving attendance.
- Provide an outline of the support available through the Inclusion Service
- Provide school attendance codes and explanations with a clear definition of authorised and unauthorised absences.
- Identify legalities around registration.

The Role of the School

The school has a multi layered role to play to ensure good levels of attendance by all learners. A key aspect of this is how the school engages with and supports its learners and their families.

School Culture and Ethos

To promote high levels of attendance schools are expected to be working towards creating an ethos and culture where: -

- School is a safe place for all.
- School is an interesting and engaging place for all learners.
- School is a welcoming, happy, and kind environment.
- Positive use of language is present in all interactions between school staff and the school community.
- Outstanding learning and teaching strategies exist, and an appropriate and purposeful curriculum is constantly being worked towards.
- Building, maintaining, and restoring relationships is central.
- Trauma informed work is embedded, and the school offers support and appropriate challenge to bring about the best outcomes for all learners.
- There are clear expectations around bullying and discrimination and the processes to deal with it effectively.
- Strategic planning and support to reduce barriers to learning and engagement is embedded within day-to-day school practice.
- Working with other agencies and the school's work as a community focused school is evident.
- Clear procedures, information, and expectations around attendance to school is available and promoted on a regular basis to parents/carers and learners.

Please see the VOG Attendance Toolkit resource pack for useful materials to help support with the above.

The law on school attendance and the right to a full-time education

- The law entitles every child of compulsory school age to an efficient, full-time education suitable to their age, aptitude, and any additional learning need they may have.
- Where parents decide to have their child registered at school, they have an additional legal duty to ensure their child attends that school regularly.
- For the most vulnerable pupils, regular attendance is also an important protective factor and the best opportunity for needs to be identified and support provided. Whilst the legal responsibility for regular school attendance rests with parents, the school shares with them, and the Local Authority (LA), responsibility for encouraging good attendance and improving poor attendance.
- Schools are required by law to maintain specific records and to produce specified information on the attendance of pupils.
- Statutory obligation apart, the school is committed to improvements in attendance standards as a direct stimulus to raising pupil achievement. Poor attendance has a direct impact on educational achievement and undermines the well-being of each pupil.
- Under section 7 of the Education Act 1996, parents are responsible for ensuring that their child(ren) of compulsory school age (5-16), receives efficient full-time education, suitable to the child's age, ability, aptitude, and any additional learning needs (ALN) the child may have. This can be through regular attendance at school or educated otherwise by the Local Authority.
- The law also permits parents to educate their child(ren) at home under the terms of Elective Home Education (EHE). The Local Authority has a statutory duty to ensure that a child for whom they are responsible is receiving suitable education.
- Only the Headteacher of the registered school of the child can authorise an absence.
- Compulsory school age means that children and young people should attend school from the start of the first term commencing after their fifth birthday and are of compulsory school age until after the last Friday in June of the school year in which they have their 16th birthday.
- If a registered pupil of compulsory school age fails to attend school regularly, the parent could be guilty of an offence under section 444 (1) (1a) (z) Education Act 1996.

Under Section 7 of the Education Act 1996 it is the duty of parents/carers to secure the "***efficient, full-time education"*** of children of compulsory school age. This is by reference to the age, ability and aptitude, and any special educational needs of the child and they should do so by regular attendance at school or otherwise. The otherwise is usually in cases where the parent has chosen to home educate their child – EHE. Schools and LAs may also vary the provision depending on a child's need and so some learners may access alternative provisions (AP), specialist provisions or a mixture of school and alternative provision. For learners on roll with a school then the responsibility for the suitability of the provision lies with the school. For learners with Local Authority supported

education other than at school provisions (EOTAS), the school and Local Authority are jointly responsible for assuring the quality and suitability of the learning offer and maintaining the attendance.

Promoting good attendance

Schools should take opportunities to promote good attendance, through all communications with parents / carers and pupils. All Schools should create learning opportunities to explore the benefits of good attendance at school within classroom activities, assemblies and through visual and online campaigns. The local authority **#MissSchoolMissOut** campaign will continue throughout the year. Digital and physical materials have been offered to schools so that this campaign can be promoted by schools as well as in the wider VOG community.

Governor links

Schools should ensure that attendance is a standing agenda item for Governors' meetings and that attendance data is analysed and updates around attendance improvement plans are discussed at each meeting. It is expected that there is a named governor for attendance and that school attendance policies are reviewed yearly by Governors.

Schools could also consider establishing attendance panels where Governors can meet with families where there are concerns around their children's attendance. The LA Inclusion Team would be happy to support with this.

Cluster work / Policy

Schools within the VOG are strongly encouraged to develop their own whole school / cluster policy on attendance. This should be developed in consultation with staff, governors, parents / carer and pupils, taking account of relevant guidance issued by Welsh Government and good practice identified by the Local Authority. A model cluster attendance policy is provided in the **VOG Attendance Toolkit resource pack** to help schools with the development of their own.

Attendance Targets for Schools

The Local Authority will work with schools to seek to promote positive attendance on a whole school target basis (see yearly published targets for school attendance from the Local Authority), but also on an individual learner basis and to reengage learners flexibly and creatively where they have lower than expected attendance levels.

In line with this approach the VOG Inclusion Service are available to advise school on measures that can and should be taken by school prior to referral for Local Authority support. In all instances the service will seek to understand the reasons for non-attendance and to engage with learner and parent / carer and other professionals to seek to support re engagement or attendance rather than consider penal measures in the first instance. Where necessary, the Inclusion Service will support

schools with penal measures, and if needed will refer to and work with other teams, if there are safeguarding or child protection concerns.

Data systems and recording procedures.

It is imperative both for safeguarding and attainment reasons that schools have robust absence reporting and recording systems in place for ensuring that both authorised and unauthorised absences are tracked and flagged both individually and by year or cohort.

Registers are legal documents, and it is essential that they are completed in a timely and accurate way each day (AM and PM), and that parents / carers are informed at the earliest opportunity if their child is not present through first day response procedures. This is a key safeguarding duty for the school.

It is also important that the most appropriate codes are being used, and that unknown reasons for absence are explored as soon as possible. Please see the document below for further information on coding.

guidance-on-school-attendance-codes.pdf (gov.wales)

A parent / carer cannot authorise an absence. An absence can only be authorised by the Headteacher and should only be authorised if the absence was due to illness, medical/dental appointment or religious reasons.

School based Interventions / Referrals to Local Authority Inclusion Team

School should follow a series of interventions / actions once a child's attendance levels / pattern of attendance becomes a cause of concern. Examples of the actions that a school is expected to take before referring to the Local Authority Inclusion Team can be found in the **VOG Attendance Toolkit resource pack.** There are resources included in this pack such as exemplar letters / emails, and trackers to record and monitor the interventions that have been tried by the school and the impact of these.

Holidays during Term Time

The Education (Pupil Registration) (Wales) Regulations 2010, give schools discretionary power to grant leave for the purpose of family holiday during term time. **Parents do not have an automatic right to withdraw their child from school for a holiday** and, in law, must apply for permission from the school in advance.

Schools within the VOG should only authorise family holidays where parents are able to demonstrate that **unique or exceptional circumstances** prevent the holiday from being taken outside of term time.

In general, holidays during term time should not be authorised.

The decision to authorise absence is at the headteacher's discretion, but it is the VOG's policy that absences will not be granted during term time and will only be authorised in **exceptional** circumstances based on the school's assessment of the situation.

It is the VOG's view that term times are for education. This is the priority. Children and families have 175 days off school to spend time together, including weekends and school holidays. For this reason, schools will rightly prioritise attendance to school.

If an event can reasonably be scheduled outside of term time, it would not be normal to authorise absence. Absence during term time for holidays is therefore not considered an exceptional circumstance.

The considerations that the school will ascertain whether the request is because of an exceptional circumstance are outlined below:

- Where a parent or child is experiencing a life limiting illness
- Absences to visit family members are also not usually granted during term time if they could be scheduled for holiday periods outside school hours. Children may however need time to visit seriously ill relatives
- Families may need time to recover from trauma, crisis or bereavement involving an immediate relative, i.e.: parent, guardian, carer, sibling, or grandparent
- Absence for a bereavement of a close family member, is usually considered an exceptional circumstance but for the funeral service only, not extended leave
- Absences for important religious observances, civil or ceremonial activity are often considered but only for the ceremony and travelling time, not extended leave. This is intended for a one-off situation rather than regular recurring events
- The needs of families of service personnel will be considered if they are returning from long operational tours that prevent contact during scheduled holiday times

Any examples provided are illustrative rather than exhaustive. The fundamental principles for defining 'exceptional' are rare, significant, unavoidable, and short. By 'unavoidable' we mean an essential event that could not so reasonably be scheduled at another time.

Headteachers can issue a FPN (without a warning period) for 10 or more unauthorised sessions where an unauthorised holiday code has been used.

Procedure for potential CME

If a school believes a child or family have gone missing, they should NOT remove any child from their roll without first completing the CME checklist procedures found in the Welsh Government Guidance below and then referring to the Inclusion Service for support - Inclusionteamreferrals@valeofglamorgan.gov.uk

statutory-guidance-help-prevent-children-young-people-missing-education.pdf (gov.wales)

Where a pupil is missing for 10 school days, the school should notify the VOG Inclusion Team on the tenth day of school absence. Email your completed 'Children and Young People Missing Education' Checklist to the Inclusion Service to advise that the pupil is believed to be missing. Keep a copy for school records and update your My Concern system.

The school and the VOG Inclusion Service will then work in partnership to locate and ensure the safety of the pupil.

Procedure for potential CME - Children and Young People at Risk

If the child is the subject of a Child Protection Plan and / or is a looked-after child, the school should notify the Social Services Key Worker within the first 24 hours of the unauthorised absence if no home contact can be made.

Where it is otherwise suspected or known that a child or young person is at potential risk of harm, or where the school has information or reason to suspect the child has been a victim of criminal activity, the school should notify Social Care Services and / or the VOG Safeguarding Team and Police Child Protection Team immediately; and inform the VOG Inclusion Team as soon as possible afterwards.

Procedure for supporting Elective Home Education (EHE) enquiries

There are many reasons for parents considering EHE. Sometimes it is due to philosophical / lifestyle decision. However, there are occasions when families consider this option due to unresolved issues in school or breakdown in relationships. We should be mindful of this and the potential impact on the pupil and family, the VOG Inclusion Team are happy to support schools and families if this is the case and work together to help resolve these issues.

If a school is made aware that a parent/carer is considering EHE, the school should refer to the Welsh Government Guidance below for guidance and contact the VOG Inclusion Team at Inclusionteamreferrals@valeofglamorgan.gov.uk

Elective Home Education Guidance (gov.wales)

Home education: handbook for home educators [HTML] | GOV.WALES

Reduced timetables / PSPs:

Where a learner is not able to access a full-time school or education provision then this must be documented by the school and VOG, using the process and format of a Pastoral Support Plan (PSP). PSPs should only be put in place for social, emotional, and mental health needs of the learner and only if in the best interest of the learner.

This document is usually a multi-agency document and process and must include the engagement and consent of the parent / carer. There should also be regular reviews of the PSP where the parent/carer is in attendance. PSP's need to be reviewed at least every two weeks and no more than six weeks. The time threshold for a PSP to be in place should be limited to six to eight weeks for actions to have taken place and the learner to be ready to return to school full time. If a PSP is unsuccessful, it needs to be withdrawn and support from the inclusion service requested.

A PSP cannot be created and continued without the signed consent of the parent /carer/ corporate parent i.e. Social worker if child looked after (CLA)

The PSP will set out the reasons why a full-time education is not able to be accessed at that time but will also set out the measures which are in place to increase the learners access to full-time education as soon as is possible.

The Local Authority Inclusion team provides training on the use of PSPs and reduced timetables, and separate guidance on when a PSP may or may not be supported in the best interests of the learner.

The Role of the Local Authority

The VOG Local Authority is committed to adopting and embedding a trauma informed, relational, restorative, and fully inclusive person-centred approach to their work in ensuring all learners receive and attend a full-time education.

Both at school policy level and at the level of individual learner support there should be full use of wellbeing data, due regard to learner and parent / carer voice, the rights of the child and parent / carer and the need to adhere to the public sector equality duty.

The VOG Inclusion Team work in a way that seeks to align these values with the existing legal and advisory Welsh Government framework in all related areas and encourages and supports schools to do the same.

Structure of VOG Inclusion Team

The VOG Inclusion Team has a responsibility for all aspects of attendance, exclusions, CME, EHE, Restrictive practise, chaperones and work around Children in Entertainment and Employment (CIEE) and is made up of the following officers: -

- Lead Officer for Social Inclusion and Wellbeing (Education)
- Inclusion Manager
- 2 x Lead Inclusion Officers
- 4 x Inclusion Officers (1 IO has a part time focus on EHE)
- Pupil Engagement Casework Co-ordinator (Focus on PSPs)
- 6 x Engagement Officers
- Data Officer / CIEE Officer
- Admin Support Officer
- 1 x Interim Reintegration Tutor

The VOG Inclusion Team is committed to supporting schools and promoting regular attendance by:

- Ensuring that the Local Authority fulfills its statutory responsibilities relating to attendance
- Providing Headteachers, schools and their governing bodies with advice, guidance, support and challenge to ensure schools have appropriate processes in place in relation to attendance
- Ensuring campaigns, policies, guidance and the VOG Attendance Toolkit resource pack is kept fully up to date and is shared with school colleagues in a timely manner
- Exploring new resources and strategies to bring about positive change, and by working creatively with schools to develop strategies to improve attendance
- Working proactively with other agencies to address underlying issues which may impact upon pupil attendance
- Monitoring the attendance of all registered pupils and analysing the attendance data of cohorts of pupils in line with Public Sector Equality Act obligations
- Playing an active part in All Wales meetings and CSC regional forums
- Following the Local Authority's Child Protection and Safeguarding Policies in all interactions

The VOG Inclusion team offer:

Universal Offer

- Annual training programmes in key areas such as all aspects of Attendance related areas e.g. EHE and CME, PSPs , Attendance strategies and FPNs
- Liaison team meetings at schools offering support and case discussion / intervention following full analysis of school data
- Reflection meetings / telephone consultations
- Yearly attendance audits and reports following visits
- Once monthly reporting on attendance data
- Opportunities to support and develop pilot projects to improve attendance
- Updated resources within the **VOG Attendance Toolkit resource pack**
- Regular Risk of Permanent /further Exclusion consultations

- Joint school visits with School Improvement Officers where possible

Referral Based Offer

- Direct case work with families and pupils following referral from schools
- Targeted inclusion team / school liaison meetings and clinics to create bespoke support and address any areas of concern to support schools to make appropriate referrals
- Bespoke training package based on schools identified needs
- Reflection meetings / telephone consultations / advice and support for individual cases for schools to action
- Multi-agency meetings with schools/ families/services around families to offer advice and signposting to further support

Targeted Offer

- Bespoke training package based on schools identified needs
- Targeted inclusion team / school liaison meetings and clinics to create bespoke support and address any areas of concern
- Named Inclusion/engagement officers to support the school (where funded)
- Attendance audits and reports following visits
- Workshops to support pupils and parents/carers where persistent absenteeism is a concern / potential concern
- Joint school visits with School Improvement Officers

Referral Process

The VOG Inclusion Team accept referrals to support with low attendance issues. A referral should be made where there is a continued lack of improvement in attendance for a pupil following the implementation of school based documented interventions and graduated response. If a referral is allocated to an Officer, a variety of interventions will be considered including home visits, attending school meetings, signposting and giving advice for next steps to schools including legal measures outlined below.

Referral forms that can be used to access Inclusion Team support can be found in the VOG Attendance Toolkit resource pack.

Referrals should be sent to the Inclusion Team inbox:

Inclusionteamreferrals@valeofglamorgan.gov.uk

The inbox is monitored throughout the working day, and on receipt the Lead Inclusion Officers will triage any referral and send school a response of next steps. This could be allocation of the case to a member of the Inclusion Team, a request for further information, further discussion about the referral with the school or an offer of alternative support.

Children with Additional Learning needs

The VOG is committed to providing a full and efficient education to all pupils and embraces the concept of equal opportunities for all.

We will strive to ensure there is an environment where all pupils feel valued and welcomed and are committed to the fundamental principle that early intervention and partnership working is crucial in ensuring the attendance, protection and wellbeing of all children.

For a pupil to reach their full educational achievement, a high level of school attendance is essential. We will consistently work towards a goal of 100% attendance for all pupils. Every opportunity will be used to convey to pupils and their parents or carers the importance of regular and punctual attendance.

Learners with ALN are expected to attend a full-time education to access their ALP within their educational setting

Promoting attendance for learners with ALN

The foundation for good attendance is a strong partnership between the school, parents, carers and pupils. All learners including those with ALN, school based IDPs and LA based IDPs are legally entitled to a fulltime education and it is important that the same school attendance expectations are in place for all learners.

Schools will use a variety of strategies to intervene at an early stage to encourage improved attendance of all pupils and assist to overcome any barriers that may be preventing the expected level of attendance. These strategies may be school-based or may be implemented jointly with other partners to ensure the most appropriate support for the individual and their family.

Schools should keep a record of all meetings and strategies tried with individual pupils and be clear in relation to the reasons for non-attendance and the support provided to increase attendance.

ALN processes

Any pupil with agreed ALN (IDP), a recognised disability or a health need has a right to full time education and all steps should be taken to ensure that pupils have access to the curriculum and learning. Reduced timetables or non-attendance should not be agreed as a long-term strategy to maintain or meet the needs of these pupils as this could be seen as discrimination and leave the school open to disability discrimination claims.

Whilst a learner is undergoing any ALNET process's there is a continued expectation that the school in which the learner is on roll on provides a full-time education and the learner continues

to attend on a regular basis.

Regular attendance will ensure that the child receives the ongoing support as detailed on their IDP needed while reviews are ongoing.

If you feel that the child has ALN, but does not have an IDP, then parents and school will need to work together to gather evidence through the PCP process. Full time school attendance would be expected through the time of consideration of ALN.

Transition into new educational setting

If a child moves to a new educational setting as part of the ALN process, this would be detailed in a transition plan, which is part of the IDP document.

There is an expectation that most pupils with ALN will be attending full time within their allocated ALN provision within 6 weeks.
In exceptional circumstances, if the learner needs further time for transition, more than the initial period of 6 weeks, school/ educational provision will need to work with the Inclusion Team and ALN Team to develop a bespoke pastoral support plan (PSP) to support the transition. This is an interim measure and can only be in place for up to 6 weeks.

Roles and responsibilities

A key part of any successful working relationship is a clear understanding of each person's role and responsibilities, and as such the following sets out to clarify the roles and responsibilities for those people engaged with tackling absence issues.

The Parent/Carer

Under section 7 of the Education Act 1996, the parent/carer is responsible for ensuring that their child of compulsory school age receives efficient full-time education that is suitable to their child's age, ability and aptitude and to any Additional Learning Needs the child may have.

A pupil's punctuality is also a legal requirement and parents/carers of a pupil who is persistently late (after the close of the register) can also face legal proceedings.

If there are concerns around ALN or health that parents feel may affect punctuality, this would need to be discussed with the school ALNCO and supporting written evidence provided e.g. report from relevant professional. In liaison with Inclusion Team and school ALNCO due consideration could be given to develop a short-term plan to improve punctuality.

The School

Schools are required under the Education (Pupil Registration) (Wales) Regulations 2010 to take an attendance register twice a day. The school has the responsibility to monitor individual

attendance rates at least weekly and use their own intervention methods to address individual pupil attendance issues. Regardless of whether the pupil has an ALN, low attendance must be reported to the Inclusion Service, to ensure appropriate support for pupils and families.

If schools have documented evidence that all strategies have been unsuccessful, due to engagement rather than documented need then school should consider punitive measures.

The Inclusion Service

The principal function of the Inclusion Service is to improve attendance in all schools and specialist education provisions across the local authority by supporting pupils and their families to overcome their barriers to engagement.

The service provides support to schools, pupils and their families to ensure regular attendance and address any difficulties relating to absenteeism. The Inclusion Service works collaboratively with a range of support services and agencies and provides an essential link between home and school to ensure that pupils benefit from the educational opportunities available to them.

The Inclusion Service may advise schools to consider using legal measures if appropriate.

ALN and Complex cases team

If a learner with ALN has low attendance, then the ALN team may advise the Inclusion Service to help support identify what the attendance barriers are.
Inclusion and ALN teams work closely together to ensure that attendance issues for pupils with ALN are considered appropriately.

Voluntary and Legal measures

As absence is so often a symptom of wider issues a family is facing, we would encourage joint working between schools and VOG LA along with other local partners to understand the barriers to attendance and provide support. Where that is not successful, or is not engaged with, the law protects pupils' right to an education and schools' and provides a range of legal interventions to formalise attendance improvement efforts, and where all other avenues have been exhausted, enforce it through prosecuting parents. Legal intervention for school absence can only be used for pupils of compulsory school age and decisions should be made on an individual case by case basis.

The VOG inclusion service will work alongside schools and work together to make use of the full range of legal interventions rather than relying solely on penalty notices or prosecution. Decisions whether to use them should be on taken after considering the individual circumstances of a family.
Voluntary and legal measures are:

- Attendance contracts
- Education supervision orders
- Attendance Prosecution
- Parenting orders
- Fixed Penalty Notices

Where these measures are used, it should be clear that it is the most appropriate intervention to change parental behaviour and in making the decision to use an intervention, Headteachers and VOG officers should have regard to their safeguarding duties as set out in the statutory guidance on Keeping Learners safe.

Attendance contracts - Purpose of attendance contracts and when they may be appropriate

An attendance contract is a formal written agreement between a parent and the school and/or VOG Inclusion service to address irregular attendance at school or alternative provision. It is not legally binding but allows a more formal route to secure engagement with support where a voluntary early help plan has not worked or is not deemed appropriate. An attendance contract is not a punitive tool; it is intended to provide support and offer an

alternative to prosecution. Parents cannot be compelled to enter an attendance contract, and they cannot be agreed in a parent's absence.

There is no obligation on the school or local authority to offer an attendance contract, and it may not be appropriate in every instance, but an attendance contract should always be explored before moving forward to an education supervision order or prosecution.

The aim from the outset should be for the parent(s), and the pupil where they are old enough, the school, Inclusion service and other agencies to work in partnership. Where it is decided to use an attendance contract, a meeting should be arranged with the parent(s). It should include the pupil if they are old enough to understand. The meeting should explain the purpose of an attendance contract and why using one would be beneficial in the family's circumstances. The parent(s) should be asked to outline their views on the pupil's attendance at school, any underlying issues and how they believe these should be addressed. The meeting should also allow them to share their views on the idea of an attendance contract and what type of support they think would be helpful to secure the pupil's regular attendance. Where a parent fails to attend the meeting without good reason or notification, further attempts should be made to contact them and arrange another meeting but all attempts at support should be recorded.

One attendance contract may be arranged with all parents, or in circumstances where it is desirable to have different requirements for each parent then separate attendance contracts for each parent should be arranged.

Contents of an attendance contract

All attendance contracts should contain:

- Details of the requirements the parent(s) is expected to comply with.
- A statement from the school and/or local authority agreeing to provide support to the parent(s) to meet the requirements and setting out details of the support.
- A statement by the parent that they agree to comply with the requirements for the period of time specified by the contract.

The requirements specified, and the support provided, will depend on the individual case, and should be tailored to the needs of the individual parent and family. There is not, therefore, a prescribed list, but requirements may include:

- Measures to ensure the pupil attends school or alternative provision punctually and regularly
- Requiring the parent to attend meetings with the school and/or local authority

• Accessing or partaking in the support or programmes offered
• Working with or accessing other separate support provided to the pupil at school level

The support provided to help the parent satisfy those requirements may include:

• Provision of a lead practitioner to support the family
• Signposting or referrals to wider local authority or health services that might support the family (e.g. housing needs, drug and alcohol support)
• Signposting or referrals to voluntary and community sector programmes or support (e.g. foodbanks or community support groups)
• Formal interventions such as family group conferencing, peer mentoring or literacy classes
• Support and advisory services (e.g. benefit support)
• Formal parenting programmes (e.g. a course with a specified number of sessions) 5

Attendance contracts do not have a minimum or maximum duration. Each individual attendance contract should set out the duration it will be in place, and most are for between 3 and 12 months but can be longer if needed. Once the requirements and support elements of the attendance contract have been agreed, the school, Inclusion Officer and the parent should write up the contract together and sign it. The attendance contract should be written in language that the parent can easily understand (including a translation where necessary). All parties, including other partners working with the family, should be given a copy.

Non-compliance with an attendance contract

The school and/or local authority should work in partnership with the parent to gain their cooperation and compliance throughout the attendance contract process. Where a parent does not comply with the requirements set out in the attendance contract, school should contact the parent and seek an explanation and decide whether it is reasonable, and if the attendance contract remains useful. If the explanation shows that the attendance contract is proving difficult to comply with through no fault of the parent, then a meeting should be arranged with the parent to review and amend it. Where no explanation is given, or school is not satisfied with the explanation, they should serve the parent with a warning to explain that the attendance contract is not working and may be terminated, and another course of action pursued, if the parent does not engage. This may be in the form of a letter, and record of it should be kept.

If there are further instances of non-compliance, school should arrange a meeting with the parent to review the attendance contract and discuss how it can be made to work. Following this meeting, the school and/or Inclusion officer should decide whether the non-compliance is undermining the contract to the extent that it is no longer useful in which case an alternative course of action (such as a different legal intervention) would need to be decided upon. The decision and reasons should be recorded.

Failure by the parent, school, or local authority to keep to the terms of the attendance contract cannot lead to action for breach of contract or for civil damages. There is no criminal sanction for a parent's failure to comply with, or refusal to sign, an attendance contract. If the pupil's irregular attendance continues or escalates to the point where prosecution is deemed appropriate, however, any failure or refusal may be presented as evidence in the case. It is therefore important that any non-compliance with the contract is recorded so that it can be presented in court if necessary.

Education supervision orders - Purpose of ESOs and when they may be appropriate

Where offered support, guidance and attendance contract has not been successful in improving attendance, an Education Supervision Order (ESO) can be a useful alternative to provide formal legal intervention without criminal prosecution. In deciding whether to progress to an ESO, the school and Inclusion service should have exhausted voluntary support and be clear that making the order would be beneficial for the pupil and parent. Where safeguarding concerns exist, this should be discussed with the school's designated safeguarding lead and children's social care services and agree an ESO would be a more suitable option than a s.17 (Children in Need) or s.47 (Child Protection) plan. In all cases, an ESO must be considered before moving forward to prosecution.

ESOs give the local authority a formal role in advising, helping and directing the pupil and parent(s) to ensure the pupil receives an efficient, full-time, suitable education. For the duration of the ESO, the parent's duties to secure the child's education and regular attendance are superseded by a duty to comply with any directions given by the local authority under the ESO. The order initially lasts for one year, but extensions can be secured within the last 3 months for a period of up to 3 years at a time.

Contents of an ESO

If it is decided to progress with an ESO, the Inclusion service will notify parents in writing of the intention to consider an ESO and set up a meeting to discuss with the parent (including the pupil if they are old enough to understand). Following the conversation, the local authority should make its decision and inform the parent and pupil of whether the case will be taken forward to court or not. Where the decision is to proceed, this can be combined with the service of an application notice.

Once an ESO is secured, an officer of the local authority should be chosen to act as the supervisor of the order on the authority's behalf; this does not need to be an attendance officer, rather it should be whichever lead practitioner is working with the family (including

their social worker where appropriate). Schools should, however, work in partnership with the local authority and whilst the designated supervisor (the local authority) retains overall responsibility, schools can and should provide support and supervision where appropriate.
The supervisor must determine any directions (requirements the parent must adhere to) to give whilst the order is in force. not a prescribed list they may include:

- Requiring the parent(s) to attend support meetings
- Requiring the parent(s) to attend a parenting programme or counselling
- Requiring the parent(s) to access support services
- Requiring an assessment by an educational psychologist

Review meetings involving all parties (including the school) should be held every 3 months throughout the period the ESO is in force. At these meetings any actions and directions should be discussed and added or amended.

Non-compliance with an ESO

Where parents persistently fail to comply with the directions given under the ESO, they may be guilty of an offence. Local authorities can prosecute in the Magistrates Court for persistent non-compliance with the Order and parents (upon conviction) will be liable to a fine of up to £1,000. The school should also raise persistent failure to comply with children's social care services and work together to investigate the circumstances of the pupil and decide whether it is appropriate for any further action to be taken (including statutory social care involvement) to secure their welfare.

Attendance prosecution - Purpose of prosecution and when it may be appropriate

If a child of compulsory school age fails to attend regularly at a school at which they are registered, or at a place where alternative provision is provided for them, their parents may be guilty of an offence and can be prosecuted by the local authority. Prosecution in the Magistrates Court is the last resort where all other voluntary and formal support or legal intervention has failed or where support has been deemed inappropriate in the circumstances of the individual case.

Prosecution needs to be considered where.

- Parents who fail to comply with a school attendance order issued by the local authority to require a parent to get their child registered at a named school (under section 443 of the Education Act 1996). This may result in a fine of up to level 3 (£1,000).

• Parents who fail to secure their child's regular attendance at a school, for which there are 2 separate offences: section 444(1) where a parent fails to secure the child's regular attendance; and section 444(1A) where a parent knows that the child is failing to attend school regularly and fails to ensure the child does so. The section 444(1) offence may result in a fine of up to level 3 (£1,000) and the section 444(1A) offence my result in a fine of up to level 4 (£2,500), and/or a community order or imprisonment of up to 3 months.
• Parents who fail to secure the regular attendance of their child at a place where the local authority or governing body has arranged alternative provision (under sections 444 and 444ZA). This may result in a fine of up to level 3 (£1,000), or if the parent is found to have known the child was not attending regularly and failed to ensure that they did so, a fine of up to level 4 (£2,500), and/or a community order or imprisonment of up to 3 months.
• Parents who persistently fail to comply with directions under an Education Supervision Order (under Schedule 3 to the Children Act 1989) or breach a Parenting Order or directions under the order (under section 375 of the Sentencing Act 2020). These may result in a fine of up to level 3 (£1,000).

In deciding whether to prosecute consideration may be given to
• The level of engagement from the parent and whether prosecution is the only avenue left to demonstrate the severity of the issue to the parent and/or cause parental engagement with the support they require.
• Whether all other legal interventions have been considered and are not appropriate or have been tried and have not worked.
• Whether statutory children's social care intervention would be more appropriate in the case (including a Child in Need or Child Protection Plan), especially where absence is severe.

The parent(s)' response to the Notice to Improve and/or warning(s) and/or evidence given in the interview under caution – including any statutory exemptions to prosecution that might apply (see below)
• The parent proves the pupil was prevented from attending by their ill health or any unavoidable cause, including exclusion.
• The pupil has been granted leave of absence by the school or, in the case of alternative provision, by a person authorised to do so.
• The absence was on a day set aside for religious observance by the religious body to which the pupil's parent(s) belong.
• The parent proves the local authority were under a duty to provide transport to the school and have failed to do so.
• If the absence was from certain types of alternative provision, the parent proves the child is receiving education otherwise than by regular attendance.
• If the absence was from alternative provision, the parent had not been notified about the provision in writing before the absence.

Parenting orders - Purpose of parenting orders and when they may be appropriate

Parenting orders are an ancillary order that can be imposed by the Court following conviction for non-attendance alongside a fine and/or community order. Parents' agreement is not required before an order is made. They may be appropriate where the parent has not engaged in support to improve their child's attendance and where compulsion to do so would help change parental behaviour.

Contents of a parenting order

The order requires a parent to comply with the arrangements specified in the order by the Court which can include a requirement for parents to attend counselling or guidance sessions (e.g. parenting education or parenting support classes) where they will receive help and support to enable them to improve their child's attendance for up to 3 months.

All parenting orders must specify a 'responsible officer' which will be named on the order. This should be the most appropriate lead practitioner working with the family.

Non-compliance with a parenting order

Any breach of the order could lead to a fine up to £1000

Fixed penalty notices – Purpose of Fixed penalty notices and when they may be appropriate

Penalty notices are issued to parents as an alternative to prosecution where they have failed to ensure that their child of compulsory school age regularly attends the school where they are registered or, in certain cases, at a place where alternative provision is provided. Penalty notices can be used by all schools where the pupil's absence has been recorded with 10 sessions of unauthorised absence. A penalty notice can be issued to each parent liable for the offence or offences.

Penalty notices are intended to prevent the need for court action and should only be used where it is deemed likely to change parental behaviour and support to secure regular attendance has been provided and has not worked or been engaged with or would not have been appropriate in the circumstances of the offence (e.g. an unauthorised holiday in term time). Penalty notices must be issued in line with the Welsh government guidance on issuing FPN's and can only be issued by a headteacher or someone authorised by them (a deputy or assistant head), a local authority officer or the police. They must also be issued in line with VOG Code of Conduct. The full Welsh Goverment Guidance is located at https://gov.wales/sites/default/files/publications/2018-03/guidance-on-penalty-notices-for-regular-non-attendance-at-school.pdf

APPENDIX 1 – Resources

Legislation and guidance

The Education Act 1996 Part 1, Section 7 states:

The parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable:

(a) to his age, ability and aptitude and

(b) to any special needs he may have either by regular attendance at school or otherwise.

For educational purposes the term parent means natural parents and includes any person who has parental responsibility or has day to day care of the child.

Section 444 1, 1(a) and (ZA) contains the details of when an offence is committed if a child fails to attend school or alternative provision arranged by the Local Authority.

The Education (Penalty Notices) (Wales) Regulations 2013 set out the framework for the operation of the Fixed Penalty Notice scheme.

The Equalities Act 2010 (Statutory Duties) (Wales) Regulations 2011

Registers and admission.

- The Education (Pupil Registration) (Wales) Regulations 2010
- The Education (School Day and School Year) (Wales) (Amendment) Regulations 2006

Attendance targets

- The Education (School Performance and Unauthorised Absence Targets) (Wales) (Amendment) Regulations 2006.

Guidance documents relating to attendance

- School attendance and absence | Sub-topic | GOV.WALES
- Belonging, engaging and participating: Guidance on improving learner engagement and attendance
- guidance-on-school-attendance-codes.pdf (gov.wales)

- https://gov.wales/sites/default/files/publications/2018-03/guidance-on-penalty-notices-for-regular-non-attendance-at-school.pdf
- statutory-guidance-help-prevent-children-young-people-missing-education.pdf (gov.wales)
- Elective Home Education Guidance (gov.wales)

Guidance documents relating to children with ALN

- Additional Learning Needs and Education Tribunal (Wales) Act 2018 – English
- Deddf Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru) 2018 - Cymraeg
- The Additional Learning Needs Code for Wales 2021 – English
- Y Cod Anghenion Dysgu Ychwanegol - Cymraeg
- Vale of Glamorgan Additional Learning Needs – English
- Cyngor Bro Morgannwg Anghenion Dysgu Ychwanegol - Cymraeg
- Snap Cymru – English
- Snap Cymru – Cymraeg
- The Index Inclusive Services Guide - English
- Canllaw Gwasanaethau Cynhwysol y Mynegai - Cymraeg

The VOG Attendance Toolkit resource pack –

- Attendance Graduated Support
- School based tracker for attendance intervention
- School based tracker for fortnightly attendance data analysis
- School based Attendance Letters
- School attendance codes
- Attendance contract