



Attendance Policy

Issue Date	January 2022
Review Date	January 2023

CONTENTS

PAGE

1	MISSION STATEMENT	3
2	ROLES AND RESPONSIBILITIES	3
3	RATIONAL AND AIMS	4
4	LEGISLATION AND GUIDANCE	5
5	EXPECTATIONS AND PROCEDURES	6
	5.1 EXPECTATIONS	6
	5.2 ATTENDANCE REGISTER	7
	5.3 LATENESS	8
	5.4 MEDICAL AND DENTAL APPOINTMENTS	8
	5.5 UNPLANNED ABSENCE AND SICKNESS	9
	5.6 RESPONDING TO NON ATTENDANCE	10
	5.7 FOLLOW UP ABSENCE	11
	5.8 ATTENFANCE MONITORING	12
	5.9 APPROVED EDUCATIONAL ACTIVITIES	12
	5.10 AUTHORISED AND UNAUTHORISED ABSENCE	13
	5.11 FAMILY HOLIDAYS/LEAVE OF ABSENCE TERM TIME	14
	5.12 LEGAL SANCTIONS AND PENALTY NOTICES	15
	5.13 REMOVAL FROM ROLL	16
6	DATA PROTECTION ACT	16
7	ENCOURAGING GOOD ATTENDANCE	16
	APPENDIX 1 - Attendance Codes	17
	APPENDIX 2 - Grounds of deletion from school roll	18
	APPENDIX 3 – Leave of absence not requested	19
	APPENDIX 4 - Leave of absence requested, not authorised	20
	APPENDIX 5 - Leave of absence authorised and not returned	21
	APPENDIX 6 – Loss of learning chart- PA's	22
	APPENDIX 7 - Prosecution / Penalty Notice - The Legislation	23

1 MISSION STATEMENT

“Together we are stronger.”

Manor Croft Academy is committed to providing a full and efficient education for all students. The Academy believes sincerely that all students benefit from the education it provides and therefore from regular Academy attendance. To this end Manor Croft Academy will do as much as it can to ensure that all students achieve maximum possible attendance and that any problems, which may impede full attendance, are acted upon as quickly as possible.

2 ROLES AND RESPONSIBILITIES – KEY STAFF

Senior Leadership Team

Executive Principal – Mr D Hewitt

Associate Principal – Mr K Nikoumaram

Associate Vice-Principal – Mr R Fieldhouse

Assistant Principal – Mr T Wallis (Deputy DSL)

Assistant Principal – Mrs J Laverick

Assistant Principal – Mrs K Wilby

Associate Assistant Principal – Miss A Nicoll

Associate Assistant Principal – Miss S Dharni

Associate Assistant Principal – Mrs M Mohsin

Pastoral Team

Attendance Co-ordinator – Mrs P Ashworth

Attendance Officer – Miss K Dolan

Consequences Gatekeeper – Mr M Fitzpatrick

Inclusion Manager – Mrs S Simpson (Deputy DSL)

Bridge Manager – Mrs R Raje

PLC Manager – Mr C Kerry

Learning Manager Year 7 – Mrs T Selves (Deputy DSL)

Learning Manager Year 8 – Mr S Waddington

Learning Manager Year 9 – Mrs C Firth

Learning Manager Year 10 – Mrs J East

Learning Manager Year 11 & DSL – Mrs S Frizzel

All staff at Manor Croft Academy are responsible for maintaining and promoting good attendance in accordance with this attendance policy.

3 RATIONAL AND AIMS

At Manor Croft, we believe regular school attendance is a vital component in securing educational success. Not only does regular school attendance allow students to actively participate in the broad, balanced, creative and appropriately challenging curriculum provided, but also it is vital in helping all students to make the very best use of their individual talents and abilities.

Our academy aims to meet its obligations with regards to school attendance by:

- Promoting good attendance and reducing absence, including persistent absence.
- Ensuring every student has access to full time education to which they are entitled
- Acting early to address patterns of absence.

We will also support parents to perform their legal duty to ensure their children, of compulsory school age, attend regularly and will promote and support punctuality in attending lessons.

We are committed to working with students, from all Key Stages and their families to identify the reasons for unsatisfactory attendance and try to resolve any difficulties. We work closely with *Kirklees Education, Safeguarding & Attendance and Pupil Support Service* in our efforts to ensure good school attendance for all students.

National average across the UK is currently 94.5%*. Our target for all students here at Manor Croft is 97% attendance across the whole academy.

Local authorities and all schools have legal powers to use parenting contracts, parenting orders and penalty notices to address poor attendance and behaviour in school. In addition to using these powers, local authorities and schools can develop other practices to improve attendance.

*The COVID-19 pandemic has had a significant impact on attendance across the country and an adjusted national average is expected to be released.

4 LEGISLATION AND GUIDANCE

This policy meets the requirements of the school attendance guidance for the Department for Education (DfE), and refers to the DfE's statutory guidance on school attendance parental responsibility measures.

These documents are drawn from the following legislation setting out the legal powers and duties that govern school attendance:

- The Education Act 1996
- The Education Act 2002
- The Education Act and Inspections Act 2006
- The Education (Student Registration) (England) Regulations 2006
- The Education (Student Registration) (England) (Amendment) Regulations 2010
- The Education (Student Registration) (England) (Amendment) Regulations 2011
- The Education (Student Registration) (England) (Amendment) Regulations 2013
- The Education (Student Registration) (England) (Amendment) Regulations 2016
- The Education (Penalty Notices) (England) (Amendment) Regulations 2013
- The Education (Parenting Contracts and Parenting Orders (England) Regulations 2007.
- Magistrates ' Courts (Parenting Orders) (Amendment) Rules 2007
- The Education and Skills Act 2008

This policy also refers to the DfE's guidance on the school census, which explains the persistent absence thresh hold.

5 EXPECTATIONS AND ACADEMY PROCEDURES

5.1 EXPECTATIONS

We expect the following from all our students:

- That they attend Manor Croft Academy regularly in full Delta Uniform.
- That they will arrive on time and be appropriately prepared for the day. School starts at 8.25am and students will go straight to P1 for AM registration.
- That pupils will arrive on time to all lessons.

We expect the following from parents: (See Appendix A)

- To ensure their children attend Manor Croft Academy regularly, punctually and in full Delta uniform.
- To ensure that no learning is lost through taking holidays in term time.
- To ensure that they contact Manor Croft Academy as soon as reasonably practicable whenever their child is unable to attend (**see 5.5-Unplanned Absence**)
- To ensure that their children arrive at Manor Croft Academy well prepared for the day and to check that they have done their homework.
- To contact Manor Croft Academy in confidence whenever any problem occurs that affects the student's performance in the Academy.

Parents and students can expect the following from Manor Croft Academy:

- Regular, efficient and accurate recording of attendance.
- Early contact with parents when a student fails to attend Manor Croft Academy without providing good reason. Early contact may include phone calls, home visits or parental meetings.
- Immediate and confidential action on any problem notified to us and interventions put in place to help improve pupil's attendance.
- We will reward good attendance.

5.2 ATTENDANCE REGISTER

By law, all schools (except those where all students are boarders) are required to keep an attendance register and all students must be placed on this register.

The attendance register will be taken at the start of **period 1 (8:25am)** and the start of **period 4 a/b (12:00/12:30)** due to split lunch times. Additional registers will also be taken at the start of each lesson during the day. Registers will mark whether every student is:

- Present
- Not in lesson, but working elsewhere in the academy
- Attending an approved off site educational activity
- Absent

See appendix 1 for the DfE attendance codes and additional codes used internally.

The academy building opens for year 11 students attending intervention sessions or for students eligible for or breakfast club at **07:30am** and **8:00am** for all other students on school days. Students are expected to arrive on time via the Student Reception in full Delta uniform appropriately prepared for the day. **School starts at 08:25am and students will go to Period 1.**

The register for (AM) will be taken at **08:25am** and kept open for a short period after.

The register for (PM) will be taken at **12:00pm & 12:30** due to split lunches and again kept open for a short period of time after.

5.3 LATENESS

Manor Croft Academy actively promotes good punctuality. Students who are persistently late or arrive without reasonable explanation are challenged. If a student is going to be late for school, then a parent must contact the school reception as soon as possible advising the reason why and what time they will be arriving.

Any students arriving late after 08:25am but before 9:00am must report to the student reception, after 9:00am all late comers must arrive via the main academy reception, accessed via Old Bank Road.

Arriving after 08:25 without good cause or contact from a parent/carer will result in a C4 DETENTION after school on the following evening. A student who arrives late will be marked using the appropriate attendance code – See APPENDIX 1

Pastoral teams carefully monitor punctuality and parents will be contacted if there are persistent punctuality issues, or if they become aware of any patterns of poor punctuality.

5.4 MEDICAL AND DENTAL APPOINTMENTS

Parents are encouraged to make all medical and dental appointments out of school hours, but in cases where this is not possible, the school needs to be notified in advance and the student should be out of school for the minimum time necessary. Where possible an appointment card should be provided.

On rare occasions when a medical appointment during the school day is unavoidable, the absence will be counted as an authorised absence following proof of the appointment.

Prior to the absence, parents should notify the academy reception by either telephone or text via School Comms.

5.5 UNPLANNED SICKNESS

ABSENCE /

Parents must notify the academy on the first day **and** each day of unplanned absences by 8:25 or as soon as practically possible.

When parents are unsure if their son/daughter is well enough to attend school, they are advised to send him/her in and contact the academy reception. Qualified first aiders are available, who can monitor such students and who will contact parents to arrange sending the student home if required.

The procedure for reporting that a student is not attending school is as follows:

- A parent (or other listed contact) should contact school via telephone **01924 325230** or text on School Comms as soon as possible, preferably prior to 8:25am,
- The message should include the following information :
 1. The full name and form group of the student
 2. Detailed reason for absence
 3. Expected return date

This process should be repeated for **every subsequent day** of school absence unless an official medical note from a GP is received.

Absence due to illness will be authorised, unless the academy has a genuine concern about the authenticity of the illness.

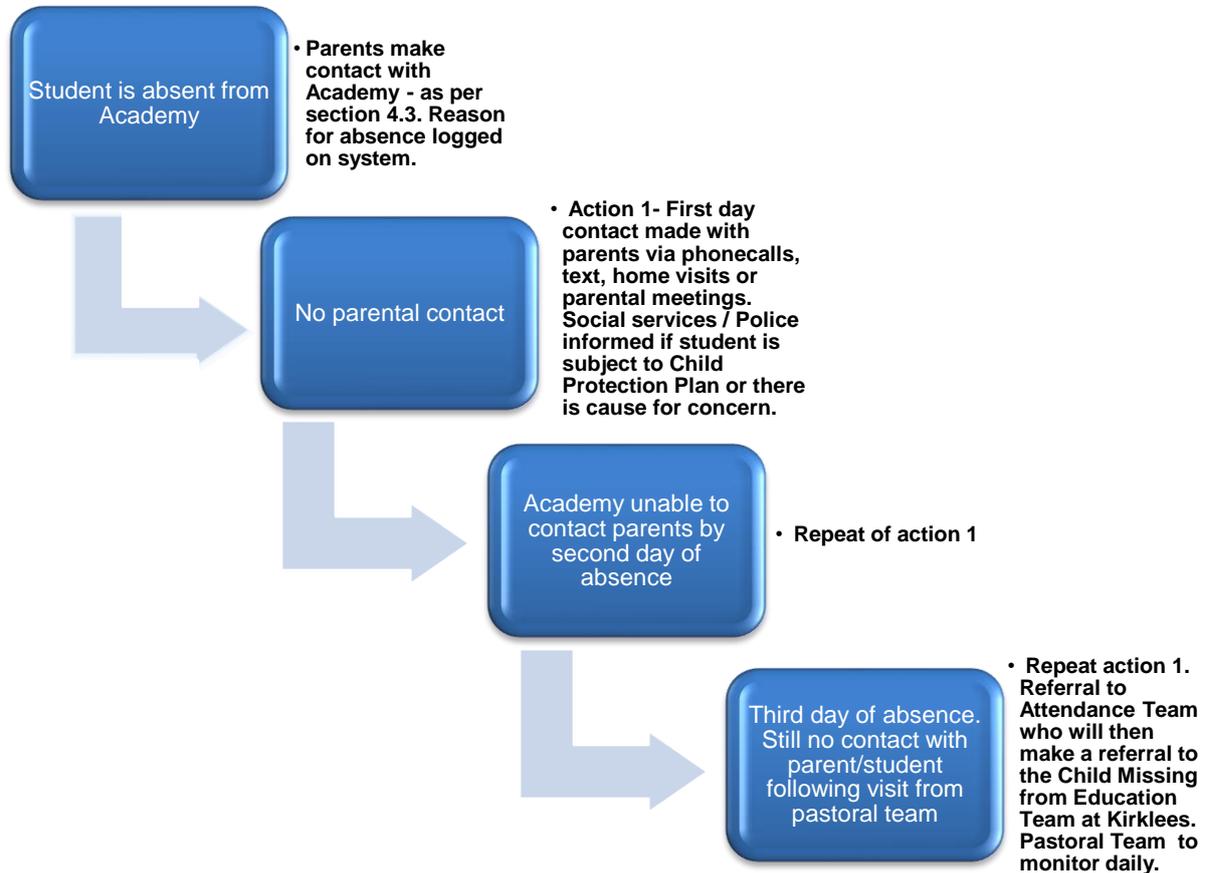
If the authenticity of the illness is in doubt, the academy will ask parents to provide medical evidence, such as a Dr's note, prescription, appointment card or other appropriate form of evidence. Medical evidence will not be asked for unnecessarily.

If the academy is not satisfied about the authenticity of the illness, parents will be notified of the decision to record the absence as unauthorised.

5.6 RESPONDING TO ATTENDANCE

TO NON-

Manor Croft Academy Procedures for responding to non- attendance



Procedure for Responding to Repeated Patterns of Non-Attendance

At Manor Croft Academy, we recognise that there is a proven link between attendance and attainment.

If a student had patterns of absence, which causes concern (for example repeatedly missing certain days or having sporadic illnesses), repeated or prolonged unauthorised absence, or if attendance data is matching other sources of information such as increased behavioural issues or a lack of progress, they will be highlighted and referred to the Attendance Team. This team, together with the Assistant Principal and Pastoral Team, will then decide on the best course of action.

5.7 FOLLOW UP ABSENCE

It is expected that parents will seek approval for student absence, when it is known in advance, or by following the procedure for reporting unplanned absence (**see 5.5**). If the reason for absence has not been reported, the Attendance Team along with the pastoral team will follow it up so that a reason can be established (**see 5.6**). This is important for the following reasons:

- To ensure the necessary safeguarding is taken if required.
- To identify whether the absence is approved or not.
- To identify the correct attendance code is used.

The procedure for following up an absence as per section 4.4 is as follows:

- Once registers & late arrivals have been checked, a telephone call will be made by a member of the pastoral team to ascertain the reason for absence. *There may be times an SMS is sent instead of making a call.*
- If school are unable to make contact with parents a voicemail will be left and a SMS message will be sent, requiring an immediate response to explain the absence.
- In cases where parents receive a SMS relating to their child's absence after they have already reported an absence, it is advisable that they call school, as there have been times when messages left on our absence line are inaudible / delays in receiving SMS via School Comms System.

If a reason for absence has not been provided after the above, the flow chart in **section 5.6** will take place by the pastoral team.

5.8 ATTENDANCE MONITORING

The Attendance Team along with the Learning Manager attached to each year group monitor student absence on a daily basis and support is put in place for students and families where attendance does not match expectation.

Sections 5.2 through to 5.7 give detail about how attendance is monitored for all students and what action is taken when attendance becomes a concern. At Manor Croft Academy, we are aware that there are sometimes complex reasons for absences and that action and support may need to be tailored to the needs of the student and the family.

Early indication of any attendance issues are made through weekly Pastoral meetings with Learning Managers, Attendance Team, Safeguarding and SLT. This allows staff to decide, what action is the best approach for monitoring and supporting each child.

5.9 APPROVED EDUCATIONAL ACTIVITIES

STUDENTS WHO ARE ABSENT BUT TAKING PART IN AN APPROVED EDUCATIONAL ACTIVITY SHOULD BE MARKED IN THE USUAL WAY BUT ARE COUNTED AS PRESENT FOR CALCULATING DATA FOR THE DfE ABSENCE RETURN. TO AVOID CONFUSION IN EMERGENCY SITUATIONS, STUDENTS WHO ARE OFF SITE SHOULD NOT BE MARKED AS PRESENT. THE FOLLOWING ACTIVITIES FALL WITHIN THIS CATEGORY:

- Field trips and educational visits, both in this country and overseas.
- Interviews with prospective employers and for a place at a higher or further educational establishment (Year 11 only).
- Link courses where students attend a FE college for part of the time.
- Students receiving approved education off site, e.g. those receiving specialist support or those in receipt of home tuition but remaining on the roll of the Academy.

5.10 AUTHORISED AND UNAUTHORISED ABSENCE

5.10a Authorised absence is where Manor Croft Academy has either given approval in advance for a student to be away or has accepted an explanation offered afterwards as a satisfactory reason for absence. All other absence must be regarded as **unauthorised**, with the Principal making the final decision.

The following may be reasons for authorising absences:

- Illness.
- Family bereavements.
- Specific medical and dental appointments where proof is available.
- Days of religious observance.
- Fixed term exclusion.
- Permanent exclusion until removed from roll or re-instated.

5.10b Absences will not be authorised under the following circumstances:

- Shopping trips and birthdays.
- Holidays in term time (Leave of absence) where the permission of Manor Croft Academy has not been given.
- Minding the house or looking after siblings.
- Staying at home for translation purposes.
- Lateness if registration is missed without explanation. The close of register is 10:15am. After this time, the code will be 'U' for Unauthorised absence (Late after close of register).
- Medical appointments that cannot be verified.
- No reason given.
- Where staff have cause to believe that the note is not genuine or not valid.
- Year 11 students who 'leave' before the official date.

5.11 FAMILY HOLIDAYS / LEAVE OF ABSENCE TERM TIME

The government strongly urges parents/carers to avoid taking their children out of school for family holidays, as this will disrupt their education.

Whilst we understand the difficulties, parents/carers may have organising holidays and the benefits to be had from cheaper term time holidays, this type of absence is detrimental to a child's education and together with our partner schools in the trust, Manor Croft **does not** authorise holidays in term time.

There is a common misconception that any child is allowed to take 10 days holiday per year. This is not true. The Principal has the discretion to allow term time leave only where there are exceptional circumstances.

Request for term time absence must be made in the appropriate form, available from the reception or from the school website, and returning this as soon as possible to the Academy, prior to making any firm travel plans.

All requests will be considered on an individual basis.

The Government states that parents can be fined for taking their child on holiday during term time without consent of the school. Consequently, the academy has a duty to inform the Local Authorities of unauthorised absences relating to requests for leave of absence. In such instances, the Local Authority may issue a penalty notice. The penalty notice is £60 (per parent for each child) if paid within 21 days of receipt rising to £120 (per parent for each child) if paid after 21 days but within 28 days. Parents may be prosecuted if the 28 days payment has expired and full payment has not been made.

If two penalty notices have been issued to you on two separate occasions for term time holidays whilst on roll at the academy, another unauthorised holiday could lead to fast track legal proceedings at the Magistrates. If convicted, you could be fined up to £1000 and you will receive a criminal record. **(See section 5.12)**

Please note – A student may also be removed from the school roll when a period of absence has not been authorised and is still taken, or when an absence exceeds the authorised time scale- **See APPENDIX 3, 4, 5**

Manor Croft term dates are printed in students' planners and on the school website, parents are asked to check these and confirm with the academy prior to booking holidays.

5.12 LEGAL SANCTIONS - PENALTY NOTICES AND PROSECUTIONS

In instances of low attendance, the academy may issue parents/ carers with a written warning to secure the regular attendance of their child. Should there be no significant improvement; the academy may then request that the Local Authority issue parents/ carers with a penalty notice or prosecution

The penalty notice is £60 (per parent for each child) if paid within 21 days of receipt rising to £120 (per parent for each child) if paid after 21 days but within 28 days. Parents may be prosecuted if the 28-day payment period has expired and full payment has not been made.

The decision on whether or not to issue a penalty notice / prosecution ultimately rests with the Principal following the local authority's code of conduct for issuing penalty notice / prosecution. **(See Appendix 7)**

This may take into account:

- A number of unauthorised absences occurring within a rolling academic year.
- One off instances of irregular attendance, such as holidays taken in term time without permission, or when a term time holiday exceeds the agreed length.
- Where an excluded student is found in a public place during school hours without justifiable reason.
- The number of overall holidays within years 7-11 (**See section 5.11**).

Manor Croft is committed to working with parents / carers as the best way to ensure as high a level of attendance as possible and avoiding formal legal action where possible.

5.13 REMOVAL FROM MANOR CROFT ACADEMY'S ROLL

There are strict guidelines on the circumstances under which a student may be removed from Manor Croft Academy's Roll. These are detailed in Pupil Registration Regulations 2006. **Removal from Manor Croft Academy's Roll under circumstances other than those detailed in Appendix 2 is illegal.**

6 DATA PROTECTION ACT

The Data Protection Act places obligations on all agencies that process, store and share information on any individual. It is important to have full regard to the requirements of the Act. Each has a Data Protection notification which details the circumstances under which data is managed. Nothing in the legislation prevents us sharing information with the police or social services where it is believed that a child or young person under the age of 18 is at risk of harm or is in need of safeguarding.

7 ENCOURAGING GOOD ATTENDANCE

At Manor Croft Academy, good attendance is promoted at every opportunity. Form tutors give attendance a high profile, and spend time during form time reviewing attendance.

The Pastoral teams regularly review attendance and work closely with the *Kirklees Education, Safeguarding & Attendance and Pupil Support Service* to Support students and families where necessary.

Every effort is made to identify attendance as early as possible and to work together with students and families to support improvements to attendance.

Rewarding good attendance is also part of our strategy in promoting good attendance. Throughout the school year there are a number of rewards both individual and form related based around attendance.

APPENDIX 1: Attendance codes

Mark	Type	Description
/	Present	Present (AM)
\	Present	Present (PM)
B	Educational Activity	Educated off side (not Dual reg)
C	Authorised Absent	Other authorised circumstances
D	Cancelled	Dual registration (attending other establishment)
E	Authorised Absent	Excluded (no alternative provision made)
G	Unauthorised Absent	Family Holiday (not authorised)
H	Authorised Absent	Family Holiday (authorised)
I	Authorised Absent	Illness
J	Educational Activity	Interview
L	Present	Late (before register closed)
M	Authorised Absent	Medical/ Dental Appointment
N	Unauthorised Absent	No reason yet provided for absence
O	Unauthorised Absent	Unauthorised absence (not covered by any other code)
P	Educational Activity	Approved sporting activity
R	Authorised Absent	Religious Observance
S	Authorised Absent	Study Leave
T	Authorised Absent	Traveller Absence
U	Unauthorised Absent	Late (after register closed)
V	Educational Activity	Educational visit / trip
W	Educational Activity	Work Experience
X	Cancelled	Non- Compulsory school age absence
-	Cancelled	All should attend age absence
#	Cancelled	Planned whole/partial school closure - not counted in possible absence
Z	Cancelled	Pupil not on roll yet

APPENDIX 2: Grounds for deleting a pupil of compulsory school age from the school admission register set out in the Education (Pupil Registration) (England) Regulations 2006, as amended

1	8(1) (a) - where the pupil is registered at the school in accordance with the requirements of a school attendance order, that another school is substituted by the local authority for that named in the order or the order is revoked by the local authority on the ground that arrangements have been made for the child to receive efficient full-time education suitable to his age, ability and aptitude otherwise than at school. School attendance order has named a different school or family decide to EHE whilst subject to a SAO
2	8(1) (b) - except where it has been agreed by the proprietor that the pupil should be registered at more than one school, in a case not falling within sub-paragraph (a) or regulation 9, that he has been registered as a pupil at another school. Moved to another school
3	8(1) (c) - where a pupil is registered at more than one school, and in a case not falling within sub-paragraph (j) or (m) or regulation 9, that he has ceased to attend the school and the proprietor of any other school at which he is registered has given consent to the deletion. Where a child is dual registered and becomes single registered I.E Managed transfer
4	8(1) (d) - in a case not falling within sub-paragraph (a) of this paragraph, that he has ceased to attend the school and the proprietor has received written notification from the parent that the pupil is receiving education otherwise than at school. Parents decide to EHE
5	8(1) (e) - except in the case of a boarder, that he has ceased to attend the school and no longer ordinarily resides at a place which is a reasonable distance from the school at which he is registered. Moved a significant distance away from the school on roll at
6	8(1) (f) - in the case of a pupil granted leave of absence in accordance with regulation 7(1A), that: (i) the pupil has failed to attend the school within the ten school days immediately following the expiry of the period for which such leave was granted; (ii) the proprietor does not have reasonable grounds to believe that the pupil is unable to attend the school by reason of sickness or any unavoidable cause; and (iii) the proprietor and the local authority have failed, after jointly making reasonable enquiries, to ascertain where the pupil is. Deletion due to Leave of Absence
7	8(1) (g) - that he is certified by the school medical officer as unlikely to be in a fit state of health to attend school before ceasing to be of compulsory school age, and neither he nor his parent has indicated to the school the intention to continue to attend the school after ceasing to be of compulsory school age Medically unfit
8	8(1) (h) - that he has been continuously absent from the school for a period of not less than twenty school days and: (i) at no time was his absence during that period authorised by the proprietor in accordance with regulation 6(2); (ii) the proprietor does not have reasonable grounds to believe that the pupil is unable to attend the school by reason of sickness or any unavoidable cause; and (iii) the proprietor of the school and the local authority have failed, after jointly making reasonable enquiries, to ascertain where the pupil is. School & LA not able to locate the child after 20 days
9	8(1) (i) - that he is detained in pursuance of a final order made by a court or of an order of recall made by a court or the Secretary of State, that order being for a period of not less than four months, and the proprietor does not have reasonable grounds to believe that the pupil will return to the school at the end of that period. Serving a custodial sentence
10	8(1) (j) - that the pupil has died. Child has died
11	8(1) (k) - that the pupil will cease to be of compulsory school age before the school next meets and— (i) the relevant person has indicated that the pupil will cease to attend the school; or (ii) the pupil does not meet the academic entry requirements for admission to the school's sixth form. End of Year 11
12	8(1) (l) - in the case of a pupil at a school other than a maintained school, an Academy, a city technology college or a city college for the technology of the arts, that he has ceased to be a pupil of the school. Independent school deletion
13	8(1) (m) - that he has been permanently excluded from the school. Permanently Excluded
14	8(1) (n) - where the pupil has been admitted to the school to receive nursery education, that he has not on completing such education transferred to a reception, or higher, class at the school. School nursery child who doesn't get a place in Reception at the school
15	8(1) (o) where— (i) the pupil is a boarder at a maintained school or an Academy; (ii) charges for board and lodging are payable by the parent of the pupil; and (iii) those charges remain unpaid by the pupil's parent at the end of the school term to which they relate. Payment not received by school for board

APPENDIX 3:

Extended absence

leading to deletion from school roll when leave of absence is taken but not requested.

On discovering leave of absence has been taken, school to liaise with any contacts listed on the school system and liaise with any siblings' schools to discover more information.

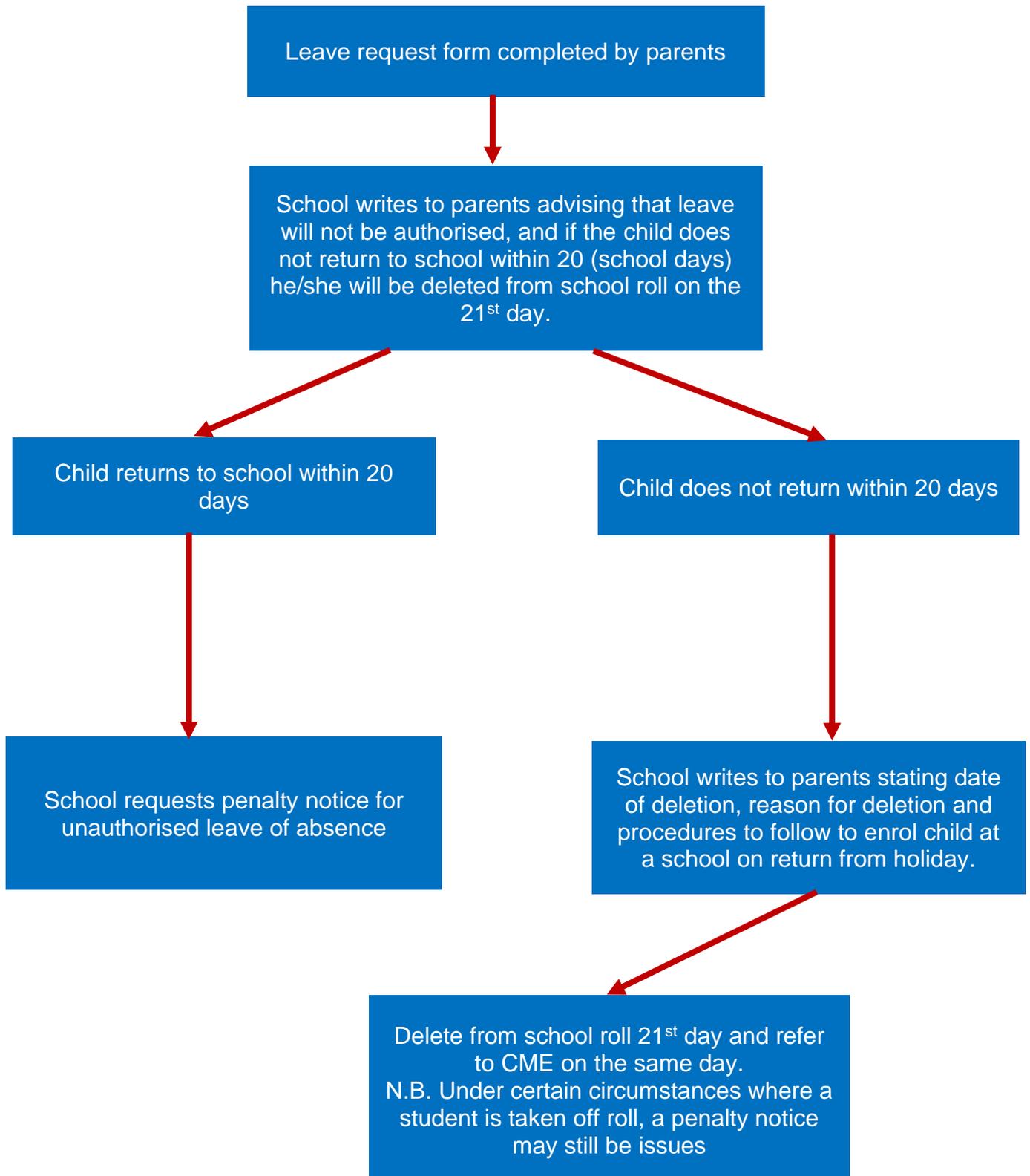
Home visits to be carried out by pastoral team on 3 occasions.

After no contact made on 3rd home visit. Attendance Team to write to parents advising that, if no contact made and not returned to school within 20 (school) days, their child will be removed from roll on the 21st day and referred to APSO service as CME.

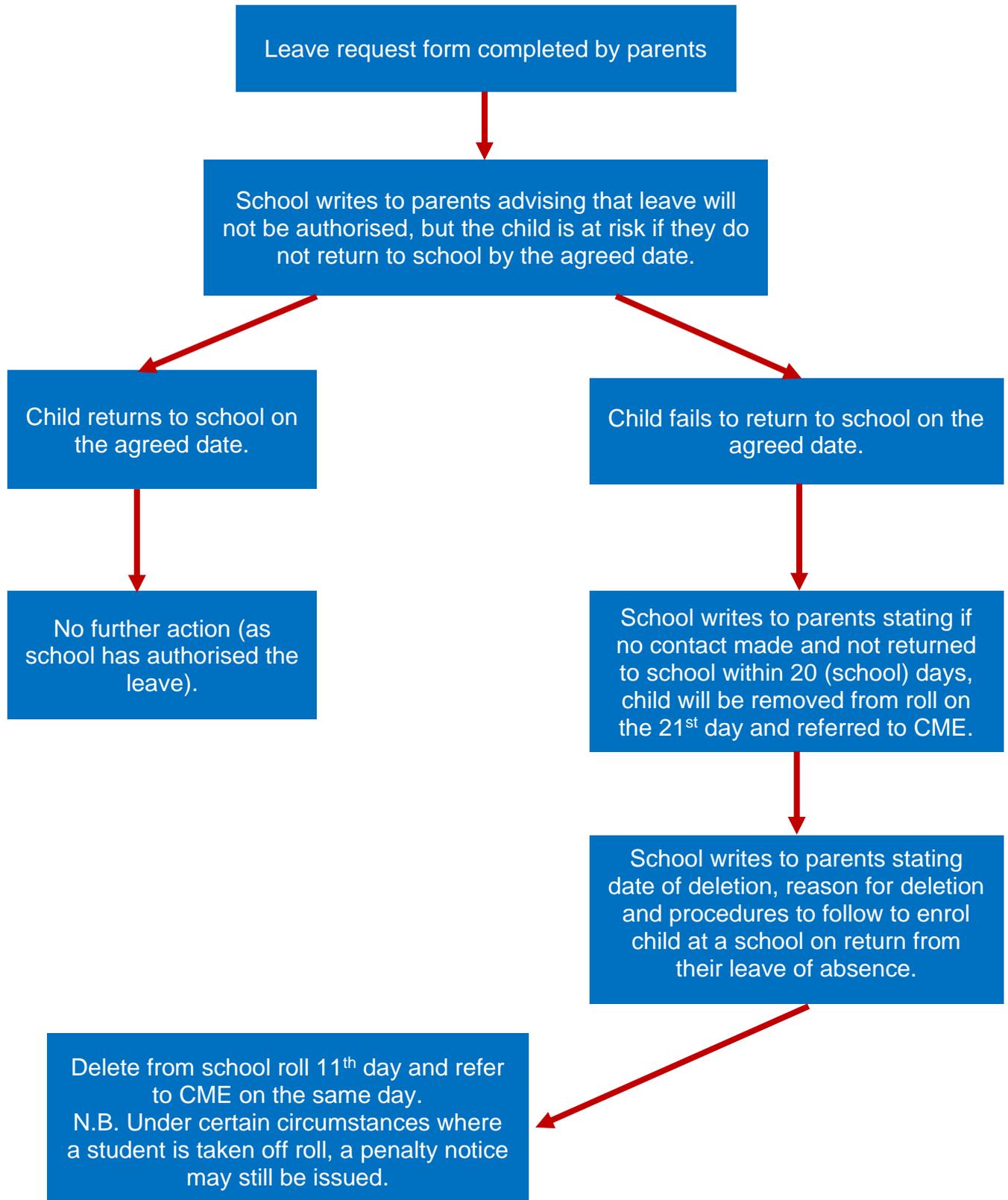
If no contact made within 20 days, school writes to parents stating date of deletion, reason for deletion and procedures to follow to enrol child at a school on return from leave of absence.

Delete from school roll on the 21st day and refer to CME on the same day.
Please note: Under certain circumstances, where a student is taken off roll, a penalty notice may still be issues. Please contact the APSO legal 01484 221919

APPENDIX 4: Extended absence leading to deletion from school roll when leave of absence is requested but not authorised.



APPENDIX 5: Extended absence leading to deletion from school roll when leave of absence is authorised but family does not return by the agreed date.



THRESHOLD ATTENDANCE	ACTUAL ATTENDANCE	WHOLE DAYS ABSENT	LEARNING HOURS LOST
100%	190 days	0	0
99%	188 days	2	10
98%	186 days	4	20
97%	184 days	6	30
96%	182.5 days	7.5	37.5
95%	180.5 days	9.5	47.5
94%	179 days	11	55
93%	177 days	13	65
92%	175 days	15	75
91%	173 days	17	85
90%	171 days	19	95
89%	169 days	21	105
88%	167 days	23	115
87%	165 days	25	125
86%	163 days	27	135
85%	161.5 days	28.5	142.5
84%	159.5 days	30.5	152.5
83%	158 days	32	160
82%	156 days	34	170
81%	154 days	36	180
80%	152 days	38	190

Only Local Authorities can prosecute parents.

For the purposes of education law, section 576 of the Education Act 1996 defines a 'parent' as:

- all natural (biological) parents, whether they are married or not;
- any person who, although not a natural parent, has parental responsibility for a child or young person (this could be a step-parent, guardian or other relative);
- any person who, although not a natural parent, has care of a child or young person.

A person has care of a child or young person if they are the person with whom the child lives and who looks after the child, irrespective of what their relationship is with the child.

The Education Act 1996 says that:

“If a child of compulsory school age, who is a registered pupil at a school, fails to attend regularly at the school, his parent is guilty of an offence”.

There are two offences relating to parental responsibility for ensuring regular attendance at school or alternative provision:

- 1) If a registered pupil is absent without authorisation then the parent is guilty of an offence under Section 444(1) of the Education Act 1996. A conviction for this offence can result in a fine of up to £1,000.
- 2) If the parent knows that their child is failing to attend regularly at the school and fails to cause him/her to do so, he/she is guilty of an offence under Section 444(1A) of the Education Act 1996. This is known as an aggravated offence. A conviction for this offence may result in a substantial fine up to a maximum of £2,500 and/or a term of imprisonment not exceeding 3 months and/or a community penalty.

Section 444ZA applies to the offence to where parents fail to secure the regular attendance of their child at a place where the Local Authority or governing body has arranged alternative provision.

There are specific defences in respect of these offences. Unless one of the defences listed in the Education Act 1996 applies, the offence is likely to be proven and the parent found guilty.

The defences are summarised below:

- The parent proves the child did not attend because of sickness or unavoidable cause.
- The child is absent with leave (permission given by the school).
- The child is absent on a day specifically set aside for religious observation by the religious body to which the parent belongs.
- The Local Authority has failed to make appropriate travel arrangements (where it is obliged to do so) to facilitate the child's attendance.
- The child is of no fixed abode and the parent proves his trade or business requires him to travel from place to place.

The Court may well have sympathy where the defence is given as 'bullying'. It is helpful therefore to demonstrate that where bullying has been cited, the school has put in measures to investigate the claims and support the pupil in the event of any subsequent allegation.

Where the Local Authority believes that a parent has a legitimate defence prosecution will not proceed.