



# VALENCE PRIMARY SCHOOL

## Attendance for Learning Policy

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# 1. SCHOOL ATTENDANCE AND THE CORONAVIRUS ACT 2020

## Disapplication of section 444(1) and (1A) of the Education Act 1996

Under the Coronavirus Act 2020, the government disapplied certain statutory provisions on school attendance so that the parent of compulsory school age children would not be guilty of an offence on account of their child's failure to attend school regularly at the school at which the child is registered. This followed the decision of the government to close schools, colleges, and nurseries in March 2020. From the start of the Autumn term 2020 – 2021, the mandatory pupil attendance at school was reapplied by government – pupil attendance is once again compulsory and the usual rules on school attendance apply. This includes parents' duty to ensure their child of compulsory school age attends regularly at the school where the child is a registered pupil and the ability to issue sanctions, including fixed penalty notices, in line with local authorities' codes of conduct.

**NB:** All schools have a safeguarding duty, under section 175 Education Act 2002, to investigate all unexplained absences:

Duties in relation to welfare of children.

(2) The governing body of a maintained school<sup>1</sup> shall make arrangements for ensuring that their functions relating to the conduct of the school are exercised with a view to safeguarding and promoting the welfare of children who are pupils at the school.

<https://www.legislation.gov.uk/ukpga/2002/32/section/175>

Schools should act swiftly and in accordance with the law to ensure preventable outcomes e.g. to prevent educational disadvantage caused by absence and to mitigate any safeguarding risk for its children on roll.

If a Head Teacher has concerns about the veracity of reasons given for the child's absence, then they may not authorise the absence, they may seek further information about this and to act as appropriate.

This policy sets out the responsibilities of Valence Primary School and its Governing Body, that is, in relation to school attendance, following up unexplained pupil absence and of mitigating potential education and safeguarding risks to our children on roll.

### Pupils and families who are anxious about returning to school

All pupils must attend school to minimise the longer-term impact of the pandemic on children's education, well-being, and wider development; the Education Act 1996 ensures children's right to receive effective and suitable education to their age, ability, and aptitude.

At Valence Primary School we understand the potential concerns of pupils, parents and households who may be reluctant or anxious about attending school. If parents of pupils with significant risk factors or are anxious about attending to school, we ask that parents contact the school to discuss their circumstance. We will support children and families wherever possible and appropriate to ensure the attendance of all our pupils at school.

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<sup>1</sup> "maintained school" means a community, foundation or voluntary school, a community or foundation special school or a maintained nursery school.

## 2. VISION STATEMENT – ATTENDANCE FOR LEARNING

Valence Primary School strives to achieve 100% attendance and excellent punctuality for all its pupils. We know, guided by research and best practice, that regular attendance and punctuality are essential to ensure academic progress, attainment, and well-being for pupils.

The Department for Education found **overall absence negatively effects attainment** at the end of Key Stage 2 and Key Stage 4 – every extra day missed is associated with a lower attainment outcome.

- Pupils with at least 95% attendance achieve 5 or more GCSEs at grades A\* - C
- Only 10% of persistent absentees achieve 5 A\* – C GCSEs compared to 58% of regular attenders.
- 21% of persistent absentees had no qualifications compared to only 3% of regular attenders.

We also know that children thrive when there is good rapport, communication and collaboration between home and school. The Valence Primary School 'Home-School Agreement' is covenant to our commitment of working in partnership with families to ensure the very best outcomes are achieved for all our children regarding their education, well-being, and wider development.

**The table overleaf shows the impact absence has on school days missed. It demonstrates why we have set our overall attendance rate at**

# 97%

# WHY ATTENDANCE MATTERS

At Valence Primary School we have set our minimum overall attendance rate at 97%; this considers occasional unexpected absence and ensures that children have every opportunity to fulfil their educational potential – we ask all families to be aspirational to achieve 100% overall attendance.

This table shows the percentage of attendance and the equivalent number of school days missed.

<b>100%</b>		<b>0 days missed</b>
<b>99%</b>		<b>1 day missed</b>
<b>98%</b>		<b>3 days missed</b>
<b>97%</b>		<b>1 week missed</b>
<b>96%</b>		<b>1 ½ weeks missed</b>
<b>94%</b>		<b>2 weeks missed</b>
<b>93%</b>		<b>2 ½ weeks missed</b>
<b>92%</b>		<b>3 weeks missed</b>
<b>90%</b>		<b>4 weeks missed</b>
<b>85%</b>		<b>4 ½ weeks missed</b>
<b>82%</b>		<b>A half-term missed</b>
<b>78%</b>		<b>7 weeks missed</b>

### **3. INTRODUCTION**

School attendance is subject to various laws and this policy is written to reflect these laws and the guidance produced by the Department for Education (DfE) and Barking and Dagenham Council.

The DfE in relation to School Attendance identifies that schools should:

1. Promote good attendance and reduce absence, including persistent absence and lateness.
2. Ensure every child has access to full-time education.
3. Act early to address patterns of absence and lateness.

Parents must perform their legal duty to ensure their children of compulsory school age who are registered with a school attend regularly and that they are on time.

### **4. WHAT IS COMPULSORY SCHOOL AGE?**

A child is of compulsory school age at the beginning of the 1<sup>st</sup> term after their 5<sup>th</sup> birthday:

- Children who turn 5 between 1<sup>st</sup> January and 31<sup>st</sup> March will be of compulsory school age at the beginning of the school term after 31<sup>st</sup> March.
- Children who turn 5 between 1<sup>st</sup> April and 31<sup>st</sup> August will be of compulsory school age at the beginning of the school term after 31<sup>st</sup> August.
- Children who turn 5 between 1<sup>st</sup> September and 31<sup>st</sup> December will be of compulsory school age at the beginning of the school term after 31<sup>st</sup> December.

A child remains of compulsory school age until the last Friday in June the school year that they turn 16. From September 2013 all 16-year-olds must remain in education until the end of that academic year and from September 2015 they will be required to continue until their 18<sup>th</sup> birthday.

### **5. ATTENDANCE IN THE EARLY YEARS – FROM BIRTH TO 5-YEARS-OLD**

The Statutory Framework for Early Years Foundation Stage (2014) and the Common Inspection Framework 2015 expects Early Years practitioners to promote good attendance within their settings (including schools with nursery provision).

The reason for children to attend regularly at their Early Years setting are to support learning and development, to make sure children are kept safe, their well-being is promoted, and they do not miss out on their entitlements and opportunities.

Settings, including schools, are required to keep full registration details for every child, as specified in the Early Years Foundation Stage. This will keep accurate records of the daily times of arrival and departure for each child.

At Valence Primary School we believe that regular and punctual attendance promotes good outcomes for children and at all ages i.e., for compulsory and non-compulsory ages, inclusive of Nursery and Reception aged children alike. We therefore expect children to attend all sessions that are available to them. Benefits of this include:

- It lays firm foundations for good attendance and punctuality, promoting good habits for compulsory education and later life (e.g., further learning and employment).

- The promotion of secure relationships with other adults (Valence Primary Staff) and other children.
- The promotion of self-esteem through regular play, learning and social opportunities.
- To facilitate learning and development so that each child has the potential and opportunity to thrive.
- To ensure that every child is safe and secure.

## 6. WHO IS CONSIDERED A PARENT IN EDUCATION LAW?

Section 576 Education Act 1996 defines a 'parent' widely to include:

- Any biological parent of the child (even if they do not have Parental Responsibility and even if the child does not reside with that parent);
- Any person who is not a parent but has Parental Responsibility for the child (e.g., through a Residence Order, Child Arrangements Order, Special Guardianship Order, Step-Parental Responsibility Order, Adoption Order or Care Order).
- Someone who has care of the child.

All these people have a duty to ensure a child of compulsory school age receive a suitable education.

## 7. WHAT IS A SUITABLE EDUCATION?

The education must be:

- **Full-time.**
- **Efficient** – the education must achieve what it sets out to achieve.
- **Suitable** – to their age, ability and aptitude and any special educational needs they may have. The education must equip the child for life within the community and must not limit a child's options in later life.

## 8. WHAT IS THE LAW ON SCHOOL ATTENDANCE?

All schools must maintain an Admission Register and all schools except boarding schools must have an Attendance Register. The Registration (Pupil Registration) Regulations 2006 require a school to put the child's name on the Admissions Register on the first day that the child is expected to attend school. If the pupil does not attend, they will be recorded as absent – this can be authorised or unauthorised. It is expected that children will regularly attend the school of which they are registered.

## 9. A NOTE ON THE WORD 'REGULARLY'

In April 2017, the Supreme Court held that attending school 'regularly' means attendance in accordance with the rules as prescribed by the school and not "*sufficiently frequent attendance*". This means a child must attend all sessions available to them as required by the school and failure to do this may lead to the commission of an offence.



**Valence Primary School has two sessions per day, that is, a morning session (AM) and an afternoon session (PM), we expect all children to attend both sessions unless they have exceptional circumstances to be absent from school.**

**NB:** It is the school's discretion whether a child's absence and/or lateness is recorded authorised or unauthorised. Due consideration will be given to the reasons for absence and/or lateness provided by the parent and the child's historical pattern of attendance and/or punctuality.

Schools have the right to request that Penalty Notices (PN) are issued to parents of children who are:

1. Persistently absent and/or late.
2. Do not attend public examinations.
3. Do not attend formal school assessments, tests, or examinations.
4. Take unauthorised leave of absence (holidays within term time).

Alternatively, schools can request that third party agents or Local Authority legal teams pursue matters on their behalf.

## **10. AIM OF THE POLICY**

The aim of this policy is to provide clear expectations and guidance for school staff, including the school's Governing Body, pupils and their parents concerning all aspects of school attendance and punctuality.

## **11. EXPECTATIONS OF ATTENDANCE AND PUNCTUALITY**

Valence Primary School expects:

### **Head Teacher**

- To oversee, direct and co-ordinate the school's work in promoting regular and improved attendance and punctuality.
- To ensure the Attendance Policy is consistently applied throughout the school.
- To work collaboratively with other staff to ensure high levels of attendance and punctuality, and where this is not the case, that timely interventions are put in place.
- To report on Attendance matters to the school's Governing Body at termly intervals.

### **Attendance Manager**

- To have day-to-day oversight of all attendance matters.
- To actively promote good attendance and punctuality.
- To work with pupils and their families who are at risk of becoming persistently absent or late.
- To ensure that records of attendance are complete and accurate.

- To take responsibility for preparing case files and other paperwork for attendance interventions such as Penalty Notices and referrals to the school's contracted agent and/or the Local Authority legal team.

### **Year Group Leader**

- To review at regular intervals the attendance and punctuality of pupils under their care.
- To intervene early with pupils who show signs of regular absence, lateness or truancy.
- To regularly praise/reward pupils with excellent attendance and those pupils that have shown significant commitment to improve attendance and punctuality.
- To work collaboratively with the Assistant Head Teacher Pastoral and Attendance Manager to improve school attendance.

### **Pupils**

- To maintain high levels of attendance at school i.e., 97% or above.
- To be rarely late to school or lessons.
- All pupils to attend scheduled public examinations where dates have been published in advance.
- To attend scheduled formal assessments, tests, or examinations where dates have been published in advance.

### **Parents**

- To support the school with their child/ren aiming for 100% attendance and minimal lateness.
- To ensure their child/ren's regular and timely attendance at school.
- To report their child/ren's absence/lateness to the school Attendance Manager at the earliest opportunity.
- To avoid taking their child/ren out of school for non-urgent medical or dental appointments.
- To only request leave of absence in advance and only in exceptional circumstances.
- To provide updated personal contact information (telephone and/or email addresses) to the school should this change.

### **Classroom Staff**

- To ensure that all pupils are registered accurately at the beginning of each lesson (usually within the first 10-minutes).

## **12.RECORDING ATTENDANCE**

Legally the official register must be marked twice daily (AM and PM sessions). This is at the start. All other attendance marks are for internal monitoring and tracking purposes.

### **13. LATENESS/PUNCTUALITY**

It is important to be on time for the start of lessons, that is, to not miss vital learning and to not cause disruption to the learning of others. It is reasonable to expect pupils to catch up missed learning at home or in detention.

Pupils arriving late to school must report to the school office to explain their lateness and to be registered. The Attendance Manager will decide if the lateness is authorised or unauthorised, record the attendance mark, number of minutes late and issue a late slip.

Valence Primary School will endeavour to work with families to improve punctuality issues. However, where this is not successful, Valence Primary School reserves the right to request that a Penalty Notice is issued where the pupil receives unauthorised late marks.

### **14. WHAT TO DO IF MY CHILD IS ABSENT?**

#### **First Day of Absence**

The parent should contact the school office by 9.30 a.m. on the first day of absence.

Parents should state the child's name, class, and the reason for absence. This process should be repeated daily if the absence persists, or, if the length of absence is known, state the number of days the child will be absent, and this will cancel the need to contact the school each day.

A written note from the parent to explain the child's absence should be given to the Form Tutor on the day of the child's return to school. The note will be added to the child's school file. Any absence that has not been explained will remain unauthorised.

**NB:** An unauthorised absence is a strict liability offence, and a parent could face legal action about unauthorised absence marks.

#### **Third Day Absence**

If the parent has not contacted the school or the child has not been seen, the school is required to start 'children missing education' procedures as set down by Barking and Dagenham Local Authority guidance. This means the school will take reasonable steps to establish the whereabouts of the child.

#### **Ten Day's Absence**

The school has a duty to report the absence of any child who is absent without explanation for 10 consecutive days. The Local Authority will be notified that the child is 'at risk of missing education'. The Local Authority will then follow up the absence.

#### **Continued or Ongoing Absence – 'persistent absence'**

If a child misses **10%** of school across the school year they are defined as a 'persistent absentee'. Where this absence is authorised, the school Attendance Manager and Progress Leader will seek

to support the child via implementation of an Attendance Improvement Plan (AIP). Where this absence is not authorised, the school will implement an AIP with a view to issuing a Penalty Notice and/or onward referral to the contracted agent or Local Authority legal team.

## 15. TYPES OF ABSENCE

Pupils are expected to attend school every day of the entire duration of the academic year unless there is an exceptional reason for the absence. There are two main categories of absences, 'authorised' absence and 'unauthorised' absence.

**Authorised absence:** is when the school has accepted the reason for absence from the parent as satisfactory justification for absence or given approval in advance for such an absence. If no explanation is received, an absence cannot be authorised.

**Unauthorised absence:** is when the school has not received a reason for the absence or has not approved a child's absence from school after a first day of absence notification or leave of absence request from a parent. This includes:

- **Condoned absence:** parents giving their child/ren permission to be off from school unnecessarily such as for shopping, birthdays or to look after siblings.
- **Truancy:** a deliberate absence by the pupil's own free will before or during the school day.
- **Unexplained absences:** with no explanation received from the parent.
- Where the child has been identified as 'persistently absent' and their attendance mark has been unauthorised (see 'Attendance Codes' in appendices).

A school can change, if needed and appropriate, an unauthorised absence to an authorised mark and vice versa when presented with new information. An example of this would be where a parent has stated their child is unwell and they have provided information from a suitable medical professional about this e.g. from a GP.

**NB:** It is the Head Teacher's discretion whether to authorise the absence or not, the supply of information from a suitable medical professional does not give automatic approval. The Head Teacher may require further information about this from the professional and/or to discuss the situation further with the parent.

## 16. SANCTIONS FOR NON-ATTENDANCE - LEGAL MEASURES

In law, parents have committed an offence if they fail to ensure the regular attendance of their child of compulsory school age at which the child is registered, unless the absence has been authorised by the school.

Valence Primary School, in conjunction with Barking and Dagenham Local Authority, will use the full range of legal measures to ensure that all pupils have regular and punctual attendance. Legal measures will be considered where:

- The child or family do not require support from any agency to improve attendance or where support has been refused or has been unsuccessful.
- The child has had 10 or more sessions unauthorised absence and parents have been complicit/unlawfully involved in the child's absence.

- The child has irregular attendance, absences are unauthorised, and the parent/s have not sufficiently engaged with support.

The following legal measures can be used regarding unauthorised absences of compulsory school age children:

- Parenting Contracts
- Parenting Orders
- Penalty Notices
- Education Supervision Orders
- Prosecution
- Community Orders

## **Sanctions for non-attendance:**

### **a. Fixed Penalty Notice**

Parents can be issued with a Fixed Penalty Notice by the Local Authority for their child's non-attendance. The penalty is £60, and this rises to £120 if paid after 21 days but within 28 days. Each Local Authority should publish a 'Code of Conduct' for Fixed Penalty Notices. The relevant code of conduct for Barking and Dagenham Local Authority can be found on the Barking and Dagenham Council website.

The school's Head Teacher decides if they wish to fine unauthorised absences from school by issuing a Fixed Penalty Notice. If deciding to proceed, the Head Teacher then requests by a referral to the Local Authority to issue a Fixed Penalty Notice on their behalf.

There is no right of appeal against a Fixed Penalty Notice. If this is not paid, the Local Authority can proceed to prosecution or withdraw the notice.

### **b. Prosecution**

The Local Authority can also prosecute for non-attendance without issuing a Fixed Penalty Notice. Only the Local Authority can prosecute parents.

If a registered pupil of compulsory school age fails to attend school regularly, the parent could be guilty of an offence under Section 444 Education Act 1996. There are two offences:

1. Section 444(1) Education Act 1996 – If the child is absent without authorisation then the parent is guilty of an offence. This is a strict liability offence i.e. all that needs to be shown is a lack of regular attendance. Sanctions can include a fine up to £1,000.
2. Section 444(1A) Education Act 1996 – An aggravated offence. If the child is absent without authorisation and the parent knew about the child's absence and failed to act then the parent is guilty of an offence. Sanctions can include a fine up to £2,500 and a prison sentence up to 3 months.

There are some defences:

- The Head Teacher authorised the absence.

- The child could not attend because of sickness or 'unavoidable cause' in an emergency. Case law has held that stress arising from bullying, behavioural or mental health difficulties or a 'chaotic lifestyle' should not be considered an 'unavoidable cause'.
- The child was absent on a day exclusively set apart for religious observance.
- The school is outside of the statutory walking distance of the child's home and the Local Authority has a duty to make travel arrangements in relation to the child under and has failed to discharge that duty.
- The child is not registered at the school and the parents are providing alternative education.
- The parents trade or business requires them to travel from place to place.

### c. Education Supervision Order

Before instituting proceedings for an offence of parents failing to ensure that their child attends school regularly under Section 443 or 444 respectively, a local authority shall consider whether it would be more appropriate (instead of or as well as instituting proceedings) to apply for an Education Supervision Order (ESO) with respect to the child.

### d. Excluded children or young people

**NB:** Parents can also be prosecuted by Local Authorities under Section 103 Education and Inspections Act 2006, where a pupil of compulsory school age who remains on the Admissions Register is found in a public place during school hours, after being excluded from school. Sanctions can include a fine up to £1,000.

## 17. CAN I BOOK A HOLIDAY DURING TERM TIME? - REQUEST FOR LEAVE OF ABSENCE

Only the Head Teacher can authorise a leave of absence. A request for a leave of absence should be submitted to the **Head Teacher in advance**, using the official **Leave of Absence Form** (available from the school office). Leave of absence will only be granted in exceptional circumstances. The fundamental principles for defining 'exceptional' are **rare, significant, or unavoidable** which means the event could not be scheduled at another time. With all requests for leave of absence the Head Teacher will consider the potential damage caused by the absence to a child's education. They will also consider the child's attendance and punctuality history. There is no general right to authorise absence e.g., for a family holiday. Parents who take their child out of school without the Head Teacher's prior permission for 5 or more days/10 or more sessions will be issued with a Penalty Notice.

## 18. LEAVING THE SCHOOL SITE DURING THE SCHOOL HOURS

If children need to leave school during the school day, parents are asked to provide a written note that is dated, specifies the time that the child needs to leave school, the duration absent, the reason for the absence and that it is signed by the parent. Wherever possible, children should return to school (e.g., after their appointment) to ensure their education is upheld. It is the discretion of the Head Teacher whether to authorise the child's absence.

## **19. LEAVERS**

If your child is to leave school, parents are asked to give the Attendance Manager full and comprehensive information about their plans to leave. Information should include:

- Date of move.
- New address.
- Telephone numbers.
- The new school for the child, or the parent's intentions to ensure they are in receipt of effective education in regard their age, ability, and aptitude.
- The last day of attendance at Valence Primary School.

This information should be submitted to the school in writing and signed by the parent.

If a pupil leaves and we do not have the above information, then your child will be a 'Child Missing Education'. This requires the school and the Local Authority to investigate their whereabouts and reason for non-attendance. This may involve the Police, Children's Social Care, and other agencies as appropriate and required. By parent's providing this information, these investigations can be avoided.

## **20. ABSENCE THROUGH CHILD PARTICIPATION IN PUBLIC PERFORMANCES, INCLUDING THEATRE, FILM OR TV WORK & MODELLING**

The regulations related to children participating in public performances are separate to those around authorising leave of absence. Head Teachers can authorise this type of absence so long as they have full and necessary information about this.

For further information, advice and guidance on child employment and performance licences please visit Barking and Dagenham Local Authority at:

<https://www.lb企业.gov.uk/licences-and-work-permits-for-children>

Parents of a child performer can seek leave of absence from school for their child to take part in a performance. They must contact the Head Teacher to discuss the nature and frequency of the work, whether the child has a valid performance licence and whether education will be provided by the employer during any future leave of absence. Any absence recorded as part of a child's participation in a public performance will be recorded as a 'C' authorised absence.

## **21. ABSENCE THROUGH COMPETING AT REGIONAL, COUNTY OR NATIONAL LEVEL FOR SPORT**

Parents of 'able sports persons' can seek leave of absence from school for their child to take part in regional, county, national or international events and competitions. It is however the discretion of the Head Teacher whether to authorise this. They will need to discuss with the parents the nature and frequency of the absence and how the child's learning will be upheld if absent from school. Permission to leave early or arrive late to attend training sessions will also be the discretion of the Head Teacher.

**NB:** It is not likely to be approved if it is a regular event unless the sports club or association are providing an education tutor as part of their coaching.

## **22. Gypsy, Roma, Traveller, Showman, and Showman Families**

Absence of a child from a traveller family who has left the geographical area may be authorised if the absence is for work purposes only and it is believed that the family intends to return. To ensure the continuity of learning for Traveller children, dual registration is allowed. This means that a school cannot remove a Traveller child from roll while they are travelling. When the Traveller child is away the home school holds open the place and records the absence as authorised using the 'T' code. Traveller families are encouraged to uphold their child's education when travelling by finding a local school in the area that they are travelling. When Traveller families travel for employment, they must provide full information to the Head Teacher about their arrangements inclusive of work, duration and their intentions to ensure that their child's education is upheld while travelling.

## **23. RECORD KEEPING**

School registers are legal documents and will be kept for a minimum of three years in compliance with the regulations that cover attendance.



## Appendix 1: ATTENDANCE CODES

Code	Description	Meaning
/	Present – morning session	Child is present
\	Present – afternoon session	Child is present
B	Educated off site	Child is present (approved educational activity)
C	Other authorised circumstances	Authorised absence
D	Dual registration – pupil is registered at more than one school and is attending another establishment	Not counted in possible sessions attended for the child
E	Excluded – no alternative provision	Authorised absence
G	Unauthorised leave of absence (unapproved term-time holiday)	Unauthorised absence
H	Leave of absence agreed for exceptional circumstance	Authorised absence
I	Illness - not medical or dental	Authorised absence
J	Interview	Present (approved educational activity)
L	Late – before registration has closed	Present
M	Medical or Dental appointment	Authorised absence
N	No reason yet provided for absence	Unauthorised absence
O	Unauthorised absence – not covered by any other code	Unauthorised absence
P	Approved sporting activity	Present (approved educational activity)
R	Religious observance	Authorised absence
S	Study leave	Authorised absence
T	Traveller absence	Authorised absence
U	Late after registration has closed	Unauthorised absence
V	Education visit or trip	Present (approved educational activity)
W	Work experience	Present (approved educational activity)
X	Non-compulsory school age absence	Not counted in possible attendances
Y	Enforced closure	Not counted in possible attendances
Z	Pupil not yet on school roll	Not counted in possible attendances
#	Planned school closure to pupils, such as INSET days or school used as a polling station	Not counted in possible attendances

## Appendix 2: ATTENDANCE TRIGGERS & INTERVENTION

All schools have a safeguarding duty, under section 175 Education Act 2002, to investigate all unexplained absences. This table explains Valence Primary School's procedure for following up unexplained absences, ensuring the safety and welfare of its pupils.

