

Attendance Policy 2024

An Excellent Education for all by Working
Together



About this document

This guidance is aimed at maintained schools and school governors, pupil referral units (PRUs), parents/carers, and local authority officers. It sets out the Swansea Council's commitment to ensure high levels of learner engagement and attendance, working towards an excellent education for all, by making sure no child is left behind. These approaches and resources will be developed and built upon, so that they are aligned to the needs of children and parents/carers.

Review

The policy will be reviewed annually to ensure compliance with National guidance.

If you need further information about the Swansea Council Attendance Policy, please contact education@swansea.gov.uk

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Terms and definitions

The following terms and definitions are used in this document.

School unless qualified otherwise refers to maintained, primary, secondary and special schools, voluntary schools and PRUs. For PRUs, 'governors' refers to the management committee members and 'headteacher' to the teacher in charge of a PRU.

The definition of **parent** is set out in section 576 of the Education Act 1996 and includes:

- Any person who, although not a parent, has parental responsibility (as defined in the Children Act 1989) for a child or young person, and
- Any person who has care of a child or young person.

Having care of a child or young person means that a person with whom the child lives and who looks after the child, irrespective of what their relationship is with the child, is considered to be a parent.

Learner unless known otherwise, refers to a child, young person, pupil or student of compulsory school age.

Compulsory school age. Under section 8 of the Education Act 1996, children become of compulsory school age on the 31 December, 31 March and 31 August (whichever comes first) following their 5th birthday. A young person ceases to be of compulsory school age on the last Friday in June of the school year in which they have their 16th birthday.

Attendance There is no statutory minimum level of attendance specified in legislation. Traditionally, good attendance depends on circumstances, but is usually taken to be around 95%. For data collection and statistical purposes, '**persistent absence**' has been defined in Wales as being absent for over 20% of half day school sessions. Evidence suggests that even small increases in absence above this level can have a disproportionate adverse effect on learners. **It is also recognised that the earlier the intervention, the more likely it is that a positive outcome will be achieved. As such, the Welsh Government propose that the statistical definition of persistent absence be amended to over 10% of sessions, which is the definition currently in use in England.**

Family Engagement Officer refers to a dedicated member of staff working with parents and could have the title of family liaison officer, community pastoral worker, family support worker, or wellbeing officer.

Education otherwise than at school (EOTAS) refers to education provision to meet specific needs of pupils who, for whatever reason, cannot attend a mainstream or special school. In law, local authorities are responsible for providing these services.

Full-time education - Inclusion and Pupil Support Guidance 2006 defines full time education as:

Key Stage 1:	21 hours
Key Stage 2:	23.5 hours
Key Stage 3 / 4 (Including Year 10 only):	24 hours
Key Stage 4 (Year 11):	25 hours

Section 1 Introduction

This policy provides guidance around school attendance for learners in Swansea. In developing its policy and practice for promoting school attendance the Council ensure that all practises will be reviewed annually in line with national and local priorities.

Attending school or educational provision regularly is important for every child's future. Good attendance at school is associated with a higher educational achievement and attainment and improved job prospects. The significance of school attendance must not and cannot be underestimated. It is vital that children and young people have access to appropriate and effective learning opportunities and provision. Any barriers to learning need to be identified early and removed, so that children and young people can engage in educational provision they need to achieve their full potential.

1.1 Vision

Swansea Council is committed to providing an **'excellent education for all by working together'**. It is widely recognised that regular school attendance has a positive effect on children and young people and a strong impact on learner outcomes, standards and progression. We recognise that attendance supports the development of literacy and numeracy skills, and on the conceptual understanding needed for further study and success in the workplace. Analysis shows that examination outcomes link strongly to attendance rates. Additionally, good attendance also has a positive effect on wellbeing, therefore establishing good attendance patterns from an early age is vital for social development. Furthermore, punctuality is also vital; when learners arrive late at school can be very disruptive for the child, the teacher, and the other children in the class.

Improving behaviour and attendance is an integral part of our wider educational initiatives set out in our Inclusion Strategy. These initiatives aim to ensure that children and young people do not become disengaged from education by ensuring that provision is suitable to their individual needs.

Swansea Council also recognised that attending school also supports learners' wider development as full and rounded members of society. The Local Authority is committed to embedding the Curriculum for Wales in schools, which is based on four purposes that demonstrate the breadth of the academic, wellbeing and social benefits that learners gain by attending school. Because of the well-established links between attendance and attainment, wellbeing and citizenship, improving attendance is an important policy. Internationally, the advantages of education are such that the right to a comprehensive range of education and learning opportunities is one of the seven core aims of the Welsh Government based on the United Nations Convention on the Rights of the Child (UNCRC).

1.2 Working Together

Attendance cannot be considered in isolation. The many interrelated and overlapping causes of absence and the varied nature of the learner experience in school and at home mean that whole school strategies and strong multi-agency working arrangements are needed, designed to support all learners.

Swansea Education Directorate works closely with schools and stakeholders and is committed to ensuring:

1. Children and young people have a right of access to an education appropriate to their individual needs

2. That a balance of rights and responsibilities between children and young people, parents, schools, other professionals and the wider community should be maintained
3. Early assessment, identification and intervention are keys to safeguarding the welfare and interests of children and young people. Promoting positive behaviour and excellent attendance is the responsibility of the whole school and wider community.

1.3 Commitment to educational engagement in Schools

Schools in Swansea will promote positive behaviour and good attendance through their use of an appropriate curriculum which is geared to the child's ability. Schools will aim to create a learning community which benefits from the positive behaviour, regular attendance and well-being of its pupils and staff.

All learners and their parents should be made aware of who they can speak to if they are unhappy in school, and they should be encouraged to do so at the earliest possible time so as to prevent escalation. There are a number of issues that may be preventing learners from attending a mainstream setting, such as mental health or behaviour challenges, and in some cases alternative arrangements such as local authority home tuition or attending a PRU may be appropriate. But any such arrangements should generally be only a short-term measure and for the vast majority of learners, the long-term goal should always be to return learners to their usual place of education as soon as practicable.

For some learners and parents, the barriers to learning they face have been made worse since the pandemic. In some cases, the intensive support provided during the pandemic improved relationships between school and parents and led to better attendance. In other cases, previous habits of good attendance may not have been re-established, and more casual attitudes to learning and school attendance may have increased. In addition, campaigns for promoting good attendance were disrupted during the pandemic.

It is well established that factors such as poverty, additional learning needs and certain protected characteristics are associated with learners having a greater risk of absence from school and can exacerbate the challenges they already face. Supporting good attendance is, therefore, particularly important in these cases. Swansea council is committed to tackling the effects of [poverty](#) and provides information to all stakeholders regarding [ALN](#) reform.

Attending school is also crucial from a safeguarding perspective, ensuring that children are seen, safe and heard, and not exploited. Active follow-up of absence is essential as a major element in all learners care and protection. This is one of the main reasons why recording and monitoring attendance accurately is so important.

Some key actions which can support positive attendance include the following:

- Building positive relationships when children first start school.
- Providing clear guidance and information on attendance and the school's expectations.
- Allowing parents to feedback their views on attendance and to be involved in co-constructing the policy and approaches that the school adopt.

1.4 Absences

The Local Authority accept that on some occasions it may not be possible, and indeed maybe counterproductive, for a child to attend school for a number of individual reasons. An absence from school can be defined as either authorised or unauthorised.

An authorised absence is where the school has either given approval in advance for the pupil to be absent from school, or where an explanation offered afterwards has been accepted by the school as satisfactory justification for absence. Only schools, not parents/carers, can authorise an absence, and schools must consider whether the reason for absence is reasonable before doing so. Any absence that is not authorised by the school should be recorded as an unauthorised absence.

1.4.1 Holidays in term time and extended overseas trips

Parents must apply in advance to take [trip overseas or otherwise](#) in term time. Requests should be considered individually and schools can invite parents to discuss any such proposals. Schools can only agree to absence for a family holiday or trip if they believe there are special circumstances that warrant it.

If a school agrees absence and the pupil goes on holiday or trip for 10 days or less, absence is authorised. A school can only agree to absence of more than 10 school days in a school year if they believe there are exceptional circumstances. If a school does not agree absence and the pupil goes on the holiday or trip, the absence will be unauthorised. If parents keeps a child away for longer than was agreed, any extra time is also recorded as unauthorised. If the school considers that there are exceptional circumstances why the pupil should be granted approval for an overseas trip of more than 10 days, the approval can be given and the absence would be authorised, at the discretion of the Head teacher.

1.5 Contributing factors: the many possible reasons for absence

Attendance problems are often a symptom of some underlying cause. There are many possible underlying reasons for low attendance aside from physical ill health. These other reasons often broadly relate to wellbeing or mental health issues. And for some learners, low attendance can be as a result of a number of factors.

School should consider whether there are school-related factors or worries that are affecting a learner's attendance, such as:

1. experience of bullying or discrimination
2. unmet or unidentified additional learning needs or disability
3. anxieties about school work or examinations
4. emotionally based school avoidance (EBSA)

It is well established that some learners, including those eligible for free school meals, with additional learning needs, having English as an additional language, or have previously been excluded are more at risk of having lower attendance. Therefore, it is crucial that all learners are included and supported by schools whatever their needs, experiences, personal characteristics or home circumstances. Current additional learning needs [reforms](#) place learners at the centre of the process of identifying needs and required provision, to encourage learner-centred planning that should lead to a better understanding of what is important to the learner and help identify difficulties before they escalate.

Additionally there are a number of factors which may place learners particularly at risk of missing school, and statutory [guidance](#) is in place to help identify and support some of the following:

1. Children who are [looked after](#)
2. Young [carers](#)
3. [Gypsy, Roma and Traveller](#) children and children of transient parents
4. Asylum seekers, refugees, new migrants and children of migrant workers

5. Children in the youth justice system or with parents in the justice system
6. Children with long-term medical or mental health issues
7. Children who have had [adverse childhood experiences](#)
8. Children of service parents and [armed forces](#) parents
9. Children and young people who are at risk of forced marriage
10. Children and young people at risk of sexual exploitation, including children who have been trafficked
11. Children and young people of homeless parents living in temporary accommodation, houses of multiple occupancy or bed and breakfasts
12. Children of parents fleeing domestic violence or living in women's refuges
13. Young parents and pregnant young women
14. Children who are on the child protection register or who are a child in need.

Prevention and early intervention are crucial in ensuring issues do not escalate or become entrenched. Swansea Council are aware that attendance is often a symptom of an underlying issue and that successful approaches are rooted in working with the child, parents and other agencies to identify and resolve these issues. As such, schools need to be able to identify and address early signs that there may be a problem as quickly as possible.

Swansea council provide advice and guidance to support schools in engaging its most vulnerable learners. Ensuring an approach based in the rights of the child, using:

1. A learner-approach, based on the rights of the child.
2. A focus on learner wellbeing and mental health
3. A whole-school, whole-system approach
4. Building positive relationships, culture and ethos
5. Family engagement and multi-agency support
6. Prevention, early intervention and adopting sustainable ways of working

Section 2 Swansea Council Commitment to raising attendance

Swansea Council recognises that punctual and regular school attendance is an essential for social inclusion and effective learning. Every child matters therefore we are concerned that for a small number of children, low school attendance is a direct cause of their social exclusion and underachievement.

We respect and recognise that some parents may choose to [home educate](#) their children rather than send them to school, and Swansea council will work with families to ensure they have the support they need.

For children who are on roll of a school or pupil referral unit, in order to improve levels of school attendance and punctuality, Swansea Council will employ the key strategies below:

1. Establish an informed, targeted approach to supporting schools where attendance is below expected levels. Analyse attendance data and use proactively.
2. Consider the increase in Emotional Based School Avoidance (EBSA) and ensure this informs developments to support Emotional Health and Psychological well-being.
3. Support schools to use attendance codes effectively and explore more effective monitoring of individual learner attendance particularly in relation to EBSA.
4. Consider attendance holistically and ensure effective approaches are in place across the directorate and wider Council, for example, ALNIT, Early Help Hubs.
5. Ensure every school has an attendance policy which is regularly reviewed but which also reflects a holistic approach to behaviour, attendance, wellbeing and welfare thus setting the ethos where every learner can succeed.
6. Ensure prevention and early intervention strategies linked to other priority areas to ensure children want to attend school.
7. Support schools to develop engaging and exciting curriculum offer which meets the needs of all learners.
8. Develop authority wide communications on attendance via social media channels.
9. Support schools to engage with parents and carers on attendance strategies.
10. Communicate expectations to partners and stakeholders, including governing bodies.

Expected Impact:

1. Improved attendance in all schools and pupil referral unit (PRU).
2. Better outcomes for children and young people (CYP).
3. Improve consistency across school settings.
4. Clear expectations in relation to attendance monitoring.
5. Reduce persistent absenteeism.

2.1 Roles and responsibilities: Attendance is everybody's business.

Ensuring regular school attendance is a demanding area of work that depends on establishing and utilising close working relationships between parents/carers, pupils, schools, the LA, Education Welfare Service (EWS) and other professionals working with children and young people in social, educational and health care settings.

A key element of any successful working relationship is a clear understanding of each person's role and responsibilities, and as such this section sets out to clarify the roles and responsibilities for those people engaged with responding to attendance issues.

2.2 Responsibilities of Schools and Governing Bodies

Schools are responsible for supporting the attendance of their pupils and for responding to difficulties and issues which might lead to non-attendance. All schools in Swansea should work hard to adopt a positive and proactive approach towards attendance matters and encourage parents to take an active role in the schooling of their children, as this can play a major role in improving levels of attendance and punctuality and in reducing absenteeism.

Mainstream settings have a range of responsibilities for learner attendance. For example, they are legally required by way of the Education (Pupil Registration) (Wales) Regulations 2010, to maintain an accurate learner attendance register and to provide data on pupil absence to the local authority under the School Performance Information (Wales) Regulations 2011/1963 and The School Information (Wales) Regulations 2011/1944.

Schools in Swansea are also expected to publish or make available an easily understood, regularly reviewed attendance strategy that sets out the principles underlying its approach to improving learner engagement and attendance, and how the school intends to develop a positive culture around attendance.

They should communicate and engage with parents effectively to make sure they are fully aware of their [attendance policy](#). This should include the steps they will take to provide learners with engaging and relevant teaching and learning opportunities, and the support they will provide to meet learner wellbeing and mental health needs.

School strategies should be developed in partnership with learners and parents and show the importance and advantages of good attendance as well as the possible implications of absence. They should work with parents to identify any possible reasons that could affect attendance and direct them to sources of support.

School governors need to ensure that they are well-informed about the school's attendance position and priorities, and its strategies for improvement. They should receive sufficient training from their local authority to enable them to contribute to the schools' overall strategy for improving attendance and feel confident to challenge where there is insufficient improvement.

2.3 Responsibilities of Parents

Parents have a statutory responsibility for ensuring that their compulsory school-age children receive a suitable education appropriate to their age, ability and aptitude and to any additional learning needs they may have (see section 7 of the Education Act 1996). This can be through regular attendance at school, agreed education provision other than at school, or by elective home education.

Parents can do a great deal to support the regular and punctual attendance of their children. A full list of how parents can support their child's attendance and punctuality can be found on page 6 of the [All Wales Attendance Framework](#)

2.4 Responsibilities of the child / young person

We want all our learners in Swansea to become lifelong, independent learners, with a positive working ethic. All children have the right to a full-time education which is appropriate to their needs. Schools want the best for all their pupils and young person themselves can also be responsible for good school attendance.

Therefore, children and young people should be supported to:

1. Attend school when parents/carers agree they are well enough to.
2. Tell their teacher or trusted adult when they are upset or unhappy.
3. Work with the school and their parents / carers to put a plan in place to increase attendance where necessary.
4. Older pupils should be punctual to all lessons they are required to attend.
5. Accept all offers of help.

2.5 Responsibilities of PRUs and Independent Schools

PRUs are legally a type of school. They fall within the scope of the [Education \(Pupil Registration\) \(Wales\) Regulations 2010](#) which place a duty on the proprietor of a school to keep accurate admission and attendance registers for pupils registered at the school (on the admission register). The local authority which established and maintains the school is the “proprietor” upon whom the duty falls in relation to PRUs, but they will necessarily be reliant upon information gathered by the PRU for this purpose.

Independent Schools are also subject to these requirements. In addition, under the [Education \(Information About Children in Alternative Provision\) \(Wales\) Regulations 2009](#), an independent school providing education to a child that is arranged and funded by a local authority in Wales in accordance with section 19A of the Education Act 1996, is required to make available to the child’s parents, a summary of the child’s attendance record, showing the number of authorised and unauthorised absences and the number of possible attendances, for each school year.

2.6 Responsibilities of the Local Authority

On behalf of the local authority, the Education Welfare Service (EWS) provides support for schools, learners and parents to ensure regular attendance and address problems relating to absence. The service liaises with other agencies and provides an important link between home and school, helping parents and teachers to work in partnership.

By way of section [436A of the Education Act 1996](#), Swansea Local Authority makes arrangements to establish the identities (so far as it is possible to do so) of children in their area who are of compulsory school age but are not registered pupils at a school and are not receiving suitable education otherwise than at school. The council has a duty to identify, as far as is possible, children who may be or who are missing education. Contacting parents immediately can prevent absences from becoming prolonged and has a safeguarding function.

Under section 437 of the Education Act 1996, the LA has a duty to ensure that a child for whom they are responsible is receiving a suitable education either by regular attendance at school or otherwise. Further information can be found in Section 4 of the [‘Inclusion and Pupil Support’](#) guidance document.

Section 3 The Role of Education Welfare Service

This section aims to clarify the role of the Education Welfare Service (EWS) in Swansea, to ensure most effective use by all stakeholders.

3.1 Role and Purpose of EWS

The list below is the main roles that the EWS undertakes and is not to be taken as exhaustive:

1. To review attendance register returns under the Education (Pupil Registration) (Wales) Regulations 2010 and any associated guidance.
2. To recognise the requirements of both the legislation and underlying principles related to data protection, access to personal files and pupil records under the GDPR.
3. To support the school to develop a whole school approach to managing attendance and addressing potential wellbeing and safeguarding issues that could be affecting absenteeism and poor punctuality.
4. To refer and work with other agencies when appropriate to ensure a holistic approach to welfare and attendance issues.
5. To collate, interpret and present data on issues relating to attendance, when required.
6. EWOs will provide attendance reports on whole school attendance, individual pupil data and vulnerable groups data.
7. To provide advice and guidance to school staff on the management of SIMs.
8. To support schools in their development and review of their school attendance policies and assist in implementing strategies to raise attendance.
9. To link with relevant staff to plan intervention for learners with persistent absence.
10. Ensure a co-ordinated and consistent approach to referral, recording, reporting and case closing systems.
11. Provide advice on proven good practice, and to share good practise across the LA appropriately.

3.2 Education Welfare Service Principles

The EWS is committed to the fundamental principle, that early intervention strategies and partnership working, is crucial in ensuring the protection and wellbeing of all children and young people. It will endeavour to uphold this through:

1. The EWS provides professional, quality support to schools, children, young people and parents and provides appropriate support to education settings, so that children and young people can benefit from the educational opportunities provided to them.
2. The service supports good school attendance and high standards of pupil welfare and will support schools to create a culture which encourages attendance.
3. The EWS will explore the reasons behind school absence, offer information and guidance, undertake planned interventions, advise parents about specialist support services and make referrals to appropriate services when required.
4. The EWS works collaboratively with other agencies to support all children and young people with specific emphasis placed on safeguarding and child protection issues.
5. The EWS recognises that children and young people with additional learning needs and also families who are vulnerable and or socio-economically disadvantaged may, at times, require extra support.

3.3 EWS and School collaborative working

Attendance is the overall responsibility of the whole school and the EWS will work in partnership with schools in raising attendance. The EWS undertakes proceedings on behalf of the local authority, in respect of parents who do not ensure their children's regular attendance at school or enrol them at school or education otherwise than at school. The EWS will make relevant assessments and action plans in partnership with learners, parents, school staff and other relevant parties, concerning attendance at school or alternative educational provision. The Education welfare officer (EWO) has a dual role to play as a provider of a service to the school and as mediator between home and school. Schools will normally have a named EWO who has a duty to visit the school regularly.

The EWO's time is inevitably limited. Schools should, therefore, have a clear arrangement on how and when a referral to the EWS is made and to be sure all staff understands the procedures. Prior to a referral two things need to happen:

1. A school's own procedures for dealing with absence should have been exhausted.
2. A referral form should always be used so there is a written record of the pupil's attendance, lateness, strengths and weaknesses, relationships with peers and teachers, past and present contact with external agencies and any other relevant information from the school's records.

3.4 Rights of the Individual

The EWS believes that children and young people have the right to equal opportunities and are committed to ensuring that all children and young people gain maximum benefit from education regardless of learning needs, ethnic origin, sex, sexual orientation, disability, gender reassignment, religious beliefs or non-belief, language or nationality. The EWS will acknowledge the rights of those using the service to access advice and support from the EWS in obtaining services to which they are entitled. They will act as advocate, where appropriate, for children, young people and families when they seek to obtain the services they are entitled to.

3.5 Confidentiality

The EWS will maintain confidence and participation in services and thereby help protect children's health and wellbeing. However, confidentiality may be breached where this is in the best interests of the child. The EWS will conduct working relationships with children, young people and parents in an open and honest way which allows for the sharing of information that is properly documented.

3.6 Anti-discriminatory practice

The EWS pays due regard to The Swansea Council [Strategic Equality Plan](#). It aims to provide EWS support on an equitable basis according to need, regardless of race, culture, religion, gender, age, sexual orientation, disability, social background or additional learning needs. It will promote equal opportunities within all aspects of work, and will confront discrimination whenever it may arise.

3.7 Information management

The EWS will ensure a co-ordinated and consistent approach to referral, recording and reporting systems. The service will recognise the need for objectivity, accuracy and confidentiality where appropriate, and recognise the requirements of both the legislation and underlying principles related to data protection, access to personal files and pupil records. The EWS will collate, interpret and present data on issues relating to relevant aspects of EWS work and then use it to plan and manage the work of the EWS.

Section 4 Safeguarding and child protection

All schools and education settings have statutory duties to safeguard and promote the wellbeing of learners. All staff members must be aware of and understand how to contact and raise concerns with the designated safeguarding person for the school. Absence from school is a potential safeguarding risk and tracking and monitoring attendance has a crucial safeguarding role. Absence can signal possible wellbeing issues or problems at home.

4.1 Keeping Learners Safe

[Keeping learners safe](#) 2022 is guidance for local authorities and governing bodies on arrangements for safeguarding children. In relation to the work of the EWS it states:

1. Education settings should use their attendance policy and practice to ensure they are in regular contact with parents if a child is absent from school without authorisation or if they have patterns of absence. The child's attendance record at school could be an indicator of safeguarding concerns and an opportunity to identify and deal with abuse such as child exploitation.
2. If a child is absent without notification it could also be without the knowledge of their parent or carer and could be an early sign that the child is missing from home or care. The education setting should ensure any absence is followed up quickly to ensure the child is safe and not missing from home or care.
3. If the education setting identifies the child is missing from home or care they should refer to the Wales Practice Guide 'Safeguarding children who go missing from home or care'.
4. Schools should regularly review attendance data to identify and respond to children who are at risk. Schools should have first day absence reporting processes in place and processes for deciding whether welfare sightings are needed. These systems should ensure back-up staff are in place when key attendance staff are themselves absent.
5. Where a child is registered at a school and subsequently attends a setting such as EOTAS the original school should assume responsibility for checking the child's attendance (at both settings) on a daily basis.

One of the specific circumstances in which data protection legislation allows the sharing of sensitive personal information without the consent of the child or parent is to safeguard children and protect them and others from harm. All EWOs in Swansea are able to access training to understand when information should be shared with other stakeholders and what information may be disclosed.

Section 5 Legal duties of the EWS

All attempts to engage with the child and family will be undertaken prior to consideration of the implementation of fines or prosecution. Prevention and early intervention strategies is preferred. However, there are occasions whereby the LA has to exercise its rights under Section 444 of the Education Act 1996.

5.1 Fixed Penalty Notices (FPN)

If a pupil who is registered at a school does not attend that school regularly, and attempts by the EWO and the school do not success in ensuring regular attendance for that pupil, then the Council will, ordinarily consider issuing the parent with a [fixed penalty notice](#).

Section 444 of the Education Act 1996 states 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. The use of legal action against parents will be considered as part of a planned intervention to improve attendance. This can include the issuing of fixed penalty notices under section 444A of that Act. If fixed penalty notices are used, then local authorities should take great care to ensure that notices are properly issued and only issued for offences where the local authority is willing and able to prosecute in the event the parent does not pay the fixed penalty.

Unless there are known mitigating circumstances, the Council will consider taking legal action by issuing a summons against the parents to appear before the Magistrates Court under Section 444 of the 1996 Education Act. In deciding whether or not to take legal action, the EWO must be satisfied that:

1. There is sufficient evidence to provide a realistic prospect of conviction; it must consider what the defence case may be and how this is likely to affect the prosecution case.
2. It is in the public interest to prosecute; in cases of any seriousness, a prosecution will usually take place unless there are public interest factors pointing against prosecution, which clearly outweigh those in favour.
3. Any action it takes complies with the Human Rights Act.

If after legal action has been taken the pupil still fails to attend school regularly, the EWO will, if deemed appropriate, take further legal action.

5.2 Education Supervision Order (ESO)

Before initiating a prosecution under section 444 of the 1996 Education Act an EWO will consider whether it is appropriate to apply for an Education Supervision Order (ESO) under section 36 of the 1989 Children Act. The purpose of an ESO is to place a child who is not being properly educated under the supervision of the Local Authority. An ESO aims to ensure that the child receives full time education and that he or she and the parents receive intensive support, advice and guidance from a Supervising Officer who is required “to advise, assist and befriend”.

An application for an ESO will only be made when one or more of the following apply:

1. All other attempts to improve the pupil’s attendance have failed and prosecution of the parents is deemed inappropriate.
2. The parents appear likely to co-operate with a structured programme of work prepared by the supervising officer.
3. There is support from Social Services for the ESO.
4. A Magistrates Court hearing has directed the Local Authority to apply for an ESO.

5. The EWO is of the opinion that the order will have a significant impact upon the pupil's non-attendance.

5.3 School Attendance Orders (SAO)

A EWO will serve a School Attendance Order (SAO) (under Sections 437-439 of the 1996 Education Act) on the parents of a child of compulsory school age if the parents have failed to demonstrate that the child is in receipt of suitable education and if the Local Authority believes that the child should attend school.

The SAO will specify the school which the child should attend. Should the parents fail to comply with the SAO the EWO will initiate legal proceedings under Section 443 of the 1996 Education Act, unless the parents can prove that the child is in receipt of suitable education.

All legal action taken by EWOs will be monitored and reviewed.

5.4 Parenting Orders

EWOs will, when necessary, liaise with the Youth Offending Service and with Social Care staff when the courts, in relation to a non-attendance case, impose or recommend a Parenting Order. An EWO will act as the responsible officer for such an order.

Section 6 Other EWO services

As well as undertaking casework with individual pupils EWOs will offer strategic support and challenge to schools by working with school management teams on policies and procedures. EWOs will promote improvements in schools' management of attendance through the strategies listed below.

6.1 Children Missing from Education (CME)

There are many reasons why children and young people 'fall out' of the education system and are at risk of 'going missing'. These range from failing to start in a new school or appropriate education provision to simply not re-registering at a new school when they move into the county. If you think a child and/or young person is missing from education (in whatever capacity), please inform the education department by making a [referral](#).

6.2 Child Employment Licences

The main provisions governing children's employment are contained in section 18 of the Children and Young Persons Act 1933. Local Authority bylaws made under the 1933 Act may place further restriction on the hours and conditions of work and the nature of employment permitted. Although these bylaws differ from authority to authority all must conform to the primary legislation and to the general principle that the welfare of the child is of paramount importance. The National Network for [Children in Employment & Entertainment \(NNCEE\)](#) provides further information as does p62 [All Wales Attendance Framework](#)

6.3 Attendance Audits

For examples of checklists and self-evaluation audit tools for attendance policies see:

Page 56 [All Wales attendance framework](#)

Appendix 4 of [Estyn's Attendance in secondary schools](#).

6.4 Parenting contracts

If a compulsory school age child who is a registered pupil fails to attend school regularly. It is the committing of that offence that can trigger the use of a Parenting Contract. The proof required that the offence has been committed is the same as that which would be required for a prosecution for the strict liability offence under section 444(1) of the Education Act 1996.

6.5 Truancy Sweeps

EWOs work closely with the Police in order to ensure that Truancy Sweeps are carried out when necessary according to the agreed Police – Local Authority protocol. EWOs will liaise with local schools regarding Truancy Sweeps as and when necessary.