

Key Stage 3

National Strategy

Advice on whole school behaviour and attendance policy

Guidance

Curriculum and Standards

Headteachers, Behaviour and Attendance Leaders, Key Stage 3 Behaviour and Attendance Consultants, LEA Support Services

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Advice on behaviour and attendance

Whole school behaviour and attendance policy

Summary and Checklist

This is our advice on whole school behaviour and attendance policy. It also refers to anti-bullying policy.

It draws on the effective practice already happening in many schools.

It is written for senior leadership teams and for all who have an interest in school policy and practice.

At the ChildLine conference held in 2002 a member of Her Majesty's Inspectorate said:

'The best anti-bullying policies are full of rubbings out and crossings through. They are constantly revisited and never stay still long enough to gather dust on a shelf. Schools are forever coming back to make them better as they go on learning what works.'

The same applies to behaviour and attendance policy. This approach is, of course, common practice in many schools.

Why a whole school behaviour and attendance policy matters

1. School behaviour and attendance policy shapes the school ethos and makes a statement about how the school values and includes all the people in it. Positive behaviour and attendance are essential foundations for a creative and effective learning and teaching environment in which all members of the school community can thrive and feel respected, safe and secure. A well implemented policy is an important factor in gaining pupils' and parents' confidence in a school and in attracting and retaining good quality and well-motivated staff.
2. Ofsted reports that schools are most effective where the behaviour policy is applied consistently. A well thought-out policy lays the foundation for such consistency. The law requires schools to have written a behaviour policy. There is no reason why a behaviour and attendance policy and an anti-bullying policy should not be combined into one document. This advice does not provide a model behaviour and attendance policy, though examples from policies that schools have found effective in use are included on the IBIS and School Attendance web sites. (www.dfes.gov.uk/ibis; www.dfes.gov.uk/schoolattendance). The site will also be updated regularly with examples of effective and innovative practice in creating and implementing policy. Each school needs a policy for its own circumstances. Core behaviour and attendance training materials are available to all secondary schools from September 2003. The first three sessions of this training programme relate to how schools can design and implement effective whole school policies and this advice and the training complement each other. Similar training will follow for primary schools.

Designing an effective policy

3. A school's policy should cover how the school promotes excellent attendance and acts to tackle poor attendance as well as promoting high standards of behaviour. It should set out:
 - underlying principles;
 - a code of conduct for pupils;
 - how positive behaviour and regular attendance will be encouraged;
 - arrangements for implementing policy and supporting staff and pupils;
 - monitoring and reviewing the policy.

It should show how account is taken of the different needs of different groups of learners. There should be specific reference to how the policy addresses race equality issues.

4. No policy will be effective unless it is framed in the context of the school working with its community, both inside and outside the school. A policy needs collective support. That means actively involving governors, staff, parents and carers and pupils from all the school's communities in developing and revising a school-specific policy. It means drawing on the school's wider community, including the Local Authority, partner and collaborating schools, the voluntary sector, complementary schools, services available to support vulnerable learners.
5. Consistency also implies clear guidelines for all staff on implementation. It also means practical advice to parents and carers on how they can help. These could be covered by associated documents, e.g. staff handbooks and home-school agreements, and the DfES leaflet School Attendance: Information for Parents.
6. The checklist which follows suggests a sequence for drafting a policy which covers the issues above. The behaviour and attendance policy should be part of a collection of policies, on, for example, race equality, learning and teaching, inclusion, equal opportunities, SEN. It will incorporate or be closely linked to the school's anti-bullying policy. The behaviour and attendance audit, which is part of the Key Stage 3 behaviour and attendance strand, contains a section on school documentation and how to review it.
(www.standards.dfes.gov.uk/keystage3)

The table below is both summary and checklist. It describes what follows in these pages and is designed as an aide memoire for use in creating, implementing and revisiting policy.

How does your policy answer these questions?	See paragraphs:
1. What are the principles underlying the policy and how do they apply to the whole school community?	7 – 11
2. How do these principles relate to the school's overall aims and the rest of its curriculum?	7 – 11
3. How does the policy promote effective learning and teaching about positive behaviour and regular attendance?	11 – 12
4. What are the roles and responsibilities of governors, staff, pupils and parents/carers in promoting positive behaviour and regular attendance?	13
5. How does the school set high standards of behaviour and attendance for pupils?	14 – 17
6. How are rewards used to encourage positive behaviour and regular attendance?	18 – 22
7. How are sanctions used to encourage positive behaviour and regular attendance?	23 – 26
8. What support is available for pupils whose misbehaviour or attendance reflects significant learning or personal problems?	27 – 30
9. What support and training is available to help staff manage challenging pupil behaviour and absence?	31 – 33
10. What support is available for parents who wish to learn more about how to improve behaviour and support attendance?	34 – 37
11. How are staff, parents / carers and pupils involved and consulted when the policy is formulated or revised?	38 – 39
12. What resources does the school invest in improving behaviour and attendance?	All
13. How is the policy monitored and reviewed? How do you know that it is fair?	40 – 41

Principles

7. A school's behaviour and attendance policy should be seen as an integral part of its curriculum, for all schools teach values as well as knowledge and skills. It must be based on clear values – such as respect, fairness and inclusion – that will also be reflected in the school's overall aims and its social, moral and religious education programmes. (See, for example, Statement of Values in the National Curriculum – http://www.nc.uk.net/statement_values.html.) These values should be the basis for the principles underlying the school's behaviour and attendance policy. Thus the policy will make particular reference to how more vulnerable pupils – for example, those with special educational needs (SEN), those with physical or mental health needs, migrant and refugee pupils, and looked-after children – are supported and included and the steps which the school will take to avoid a disproportionate number of behaviour and attendance issues arising related to more vulnerable pupils. The policy should refer explicitly to the positive duty to promote race equality and the specific duty to assess policies for their impact on pupils by racial group and the general duty requirement to take action to tackle inequalities and discrimination that are identified. The policy could also refer to the fact that pupils may become vulnerable through events such as bereavement, divorce or separation.
8. The principles should include promoting self-discipline and respect for others, and the importance of listening to all members of the school community including the learners.
9. The principles should be relevant to every member of the school community, including staff and parents/carers, and the whole policy should be subject to full consultation with the school community, including staff and parents and carers. The principles should also cover behaviour towards each other, incorporating or providing a clear link to the school's anti-bullying policy. Guidance on tackling bullying can be found on the DfES behaviour and attendance website at www.dfes.gov.uk/bullying

Teaching and Learning

10. For schools to be proactive in improving behaviour and attendance, there will need to be an element of the curriculum through which the expectations in the policy are explicitly translated into learning and teaching. (This is in addition to expectations of learning behaviour, which will permeate the curriculum.) How this happens should be included in the policy. For example development of pupils' social, emotional and behaviour skills could be achieved through a structured programme in PSHE teaching or within the pastoral programme. Pupils with more challenging behaviour may benefit from a period of support in anger management, or positive leadership skills.
11. The way in which all members of the school community teach and learn from each other, by example and by explanation, when behaviour and attendance is unacceptable is also influential. This is an essential background to any sanctions that may be applied. As pupils grow through the school there should be regular explicit opportunities for learning about how to act

in keeping with the school's values and beliefs. In these practical strategies for intervention, full use should be made of support from the wider community of the LEA, Education Welfare Service, Police, Connexions Service, multi-agency teams, complementary schools etc.

12. The school's learning and teaching policy will support staff in teaching approaches which promote positive behaviour and attendance.

Roles and responsibilities

13. A behaviour and attendance policy should make it clear that promoting positive behaviour is the responsibility of the school community as a whole. If it is to be implemented comprehensively, it should also define specific roles, including that of:
 - a. the governing body in defining the principles underlying the school's behaviour and attendance policy;
 - b. the Headteacher in framing a policy which establishes an environment that encourages positive behaviour and regular attendance, discourages bullying and promotes race equality, and, with other members of the senior leadership team, organising support for implementing the policy;
 - c. staff (including support staff and volunteers as well as teachers) in ensuring that the policy is consistently and fairly applied, including to all groups and communities, that pupils are taught how to behave well and are encouraged to attend punctually and regularly. As well as providing mutual support and in modelling the high standards of behaviour and punctuality expected from pupils;
 - d. the governing body, Headteacher and staff in ensuring that all aspects of the school's behaviour and attendance policy and its application promote equality for all pupils. This should be backed up by monitoring of rewards and sanctions, to ensure that their distribution does not detract from equal opportunities principles. The Race Relations (Amendment) Act 2002 helps to ensure that policies and practice address the needs of all communities through giving public bodies a statutory duty to promote race equality;
 - e. pupils in shaping and promoting the school's code of conduct and supporting staff and other pupils. This could include being involved in peer mediation and counselling schemes, as well as reporting incidents of bullying, and other misbehaviour or reasons for truancy. Effective policies pay attention to the pupils' priorities and draw upon consultation with them. It is effective practice for Schools Councils, where they exist, to raise the issue of bullying each year and discuss the progress that has been made in tackling it;
 - f. parents and carers in taking responsibility for their child's attendance, and their behaviour inside and outside the school working in partnership with the school to maintain high standards of behaviour and attendance, and in contributing to the policy through consultation.

Code of conduct

14. A school's policy must set explicit standards of behaviour and attendance. That should be the purpose of the rules that form the code of conduct for pupils. The purpose of the code should be to promote positive behaviour, so it should not be a list of prohibitions. The code should only include rules that have a rational justification and that the school will enforce. These rules should be expressed in positive terms (for example, 'we take care of our school and everything in it' rather than 'pupils must not damage school property'). They should cover expectations of attendance, punctuality and behaviour in the classroom and around the school.
15. Poor or irregular attendance interrupts teaching and learning for everybody and may be linked to general behaviour issues.
16. The code should promote regular attendance and be supported by effective measures to tackle non-attendance. Further guidance on attendance can be found at Annex C, and on the DfES behaviour and attendance website at www.dfes.gov.uk/schoolattendance
17. As with the behaviour and attendance policy itself, it is effective practice to involve pupils and parents in drawing up a code of conduct, and to ensure that all parents/carers, including any who do not speak English, have the opportunity to contribute.

Scope

18. An effective code of conduct applies throughout the school day as well as before and after school. It provides the basic expectations for positive behaviour in corridors and bus queues and at lunchtimes and break times as well as in classrooms. Examples of effective lunchtime practice are available on the behaviour website. (www.dfes.gov.uk/IBIS)

Rewards

19. The code of conduct should be supported by a coherent system of rewards and positive behaviour and regular attendance should not be taken for granted. They should be actively taught and reinforced. It is a well established maxim in teaching that rewards are much more effective than punishment in motivating pupils.
20. A wide range of rewards should be available and the policy should make explicit reference to how the school will establish a climate where praise and encouragement far outweigh the frequency of punishment and admonition. Praise begins with frequent use of encouraging language and gestures in lessons and around the school so that positive behaviour, punctuality and regular attendance are instantly recognised. This is no less important where this is the norm in the school.

- 21.** A more formal reward system of credits, merits and prizes can be used to recognise and congratulate all pupils when they set good examples or show improvement in their own behaviour or attendance. Letters to parents and carers and special privileges are amongst many particularly effective ways of demonstrating praise for good behaviour and attendance. Particular attention should be paid to those who have been associated with poor behaviour or have been less likely to meet standards so that it is not always the same ('good') pupils receiving praise and rewards. The award of rewards should be monitored by ethnicity, gender, SEN etc. Any patterns revealed should lead to appropriate action.

- 22.** In establishing a culture of praise in the school, the policy should articulate ways in which all staff can be alert to recognising the positive in pupil behaviour. Suitable arrangements could include:
 - a.** regular monitoring of the frequency with which praise is given and inclusion of a report on this in the annual school behaviour and attendance audit;
 - b.** ensuring that all pupils have access to opportunities for praise and that praise is given for personal improvement;
 - c.** a wide range of formal rewards e.g. 'Congratulations' and 'Good News' postcards home, letters to parents and carers which are personalised, publishing rewards around the school, certificates which recognise positive contribution to the school community, celebration assemblies involving parents/carers etc.;
 - d.** frequent reminders in staff briefings, assemblies etc. about the importance of celebrating success so that when, for example, success in a sphere outside the school has been achieved, some pupils who might not usually receive praise for positive behaviour are singled out for recognition;
 - e.** incentive schemes to recognise pupils' attendance achievements. These could include offering attendance certificates or prizes, either for individual pupils or groups of pupils (classes or year groups). Such schemes need to strike the right balance between rewarding pupils with outstanding attendance records and those achieving substantial improvement in their attendance.

Sanctions

- 23.** Schools need a scale of sanctions for misbehaviour, and lateness and alerts/warnings for poor attendance. The policy should explain the reasons why these sanctions are necessary. Effective sanctions are designed to promote positive behaviour and attendance rather than punish miscreants. They are most useful when seen by everyone as a deterrent. If sanctions have to be frequently applied they are clearly not being effective. Schools find that sanctions are best dealt with on the spot by the member of staff concerned.

- 24.** As with rewards, the most effective sanctions are simple admonishments backed up by the authority of staff within the school. Consistency is essential and the policy should identify how all staff will be encouraged to use reprimands sparingly and fairly. The use of sanctions

should be monitored by ethnicity, gender, SEN etc. Any patterns revealed should lead to appropriate action.

- 25.** The authority of the school should be supported with a range of sanctions for breaches of the code, ranging from letters to parents and carers, loss of privileges, a variety of forms of detention right up to exclusion for the most serious or persistent misbehaviour. Annex B provides guidance on the law governing detentions. Guidance on exclusions is available on the DfES behaviour and attendance website. (www.dfes.gov.uk/publications/guidanceonthelaw/10-99/.) The behaviour and attendance policy should set out the school's policy on exclusion.
- 26.** Sanctions are more likely to promote positive behaviour and regular attendance if pupils see them as fair. The guidelines for implementing the school's behaviour and attendance policy should therefore advise staff to:
- a.** make it clear that they are condemning the behaviour not the person;
 - b.** avoid early escalation to severe sanctions, reserving them for the most serious or persistent misbehaviour;
 - c.** avoid whole group sanctions that punish the innocent as well as the guilty;
 - d.** take account of individual circumstances. For example, punishing a girl who is late to school because she looks after younger siblings will not be seen as fair by other pupils. It would be preferable to use the school referral system to support her punctuality;
 - e.** encourage pupils to reflect on the effects of misbehaviour or absence on others in the school community, as part of everyday teaching.

Support systems for pupils

- 27.** In addition to regular teaching and learning about positive behaviour and regular attendance, and the support of a well organised and caring school community, some pupils will need extra support to help manage their behaviour and attendance. The policy should include how the school will support these pupils and work to pre-empt escalating behaviour problems, truancy and unauthorised absence. More specifically there should be reference to the procedures that the school uses to identify early those pupils most at risk, to draw up a support plan and to establish a support programme.
- 28.** A range of strategies for early intervention could be identified within the policy including:
- a.** regular pastoral reviews to identify pupils most at risk, included as part of any regular academic progress reviews;
 - b.** programmes of short courses on specific elements of Social, Emotional and Behavioural Skills (SEBS);
 - c.** contact with parents on the first day of any unexplained absence and discussion between the pupil and staff responsible for their registration;

- d. contact with parents in the early stages of a problem, rather than when a learner may be close to exclusion;
 - e. referrals for specialist advice from agencies linked to the school, either for the individual (e.g. Educational Psychology Service) or in more general terms (e.g. LEA Behaviour Support Team);
 - f. referrals to a Learning Support Unit for a short period of additional support outside the usual classroom environment;
 - g. parent/carer consultations and family sessions;
 - h. one to one counselling with a trained specialist or support from Learning Mentors or trained Teaching Assistants.
29. Many of the learners who are referred to external agencies will have SEN. The policy here will clearly relate to SEN policy. www.dfes.gov.uk/SEN
30. Some schools have produced a directory of support services and, if accompanied by a full list of procedures for securing additional support, this could be a particularly useful section in a staff handbook as an appendix to the policy.

Support systems for staff

31. All staff should be encouraged to deal with minor and occasional misbehaviour and poor attendance at the time and wherever it occurs in the school. One of the purposes of a Behaviour and Attendance policy should be to explain how staff will be empowered to manage misbehaviour and poor attendance of a more serious nature. Regular professional development on behaviour and attendance is important. However, support must be available where staff feel unable to cope. A school's behaviour and attendance policy should make its support systems for both staff and pupils clear. In particular:
- a. staff who are having difficulty with a class or group should know where to seek support. This should include advice and support from senior colleagues, including Lead Behaviour Professionals where schools have them, and training in behaviour management. The policy should ensure that good quality training is available selected from the materials in the behaviour and attendance training materials;
 - b. staff who need advice on managing the behaviour and attendance of individual pupils should know to whom to turn. Responsibilities for providing this support should be clearly identified in the policy, including, in school attendance cases, when and how a referral to the LEA Education Welfare Service should be made. Pastoral or support staff should follow up individual pupils and analyse attendance data to identify trends for individual pupils, classes or year groups which can then enable the school to target their efforts. It is good practice for schools to analyse statistically reasons for non attendance. A sound grasp of the reasons given will enable schools and Education Welfare staff to deploy resources effectively in order to reduce absence.

- 32.** Where a pupil has been referred to another member of staff about their behaviour, a judgement should be made about whether the behaviour in question is:
- straightforward misconduct, in which case action could be no more than supporting the member of staff in applying an appropriate sanction and agreeing with all parties how a recurrence will be avoided;
 - a symptom of significant underlying problems, including learning and/or social and emotional difficulties, in which case, so that the problem is diagnosed and treated, the policy should outline the role of specified staff in this process. This will include responsibility for gaining the support of external agencies (e.g. Connexions Service, Educational Psychology, Education Welfare, Child and Adolescent Mental Health and Social Services) and, where they exist, multi-agency Behaviour and Education Support Teams; or
 - the result of provocation through bullying or racist harassment. Where racist harassment is the source, the school should have in place clear procedures for recording such behaviour, for reporting to parents and carers, and supporting the victim and working with the perpetrator. Procedures should also be in place to record incidents of homophobic bullying or bullying of learners with disabilities or SEN.
- 33.** The policy should also identify the resources that the school is investing in promoting positive behaviour and attendance. This could include senior staff time as well as more specialised resources like Learning Support Units and training provision. Staff should be given guidance and support on race equality issues that relate to behaviour; this should support them in being sensitive to the needs of different groups of minority ethnic pupils

Support systems for parents

- 34.** Parents are of course responsible for notifying the school of their child's absence. However, it is good practice for school administrative staff or support staff to contact parents on any day a pupil of compulsory school age is absent without explanation, including cases where a pupil misses lessons after registration. This makes it clear to pupils and parents that unauthorised absence is taken seriously. By contacting the parent the school also ensures that the parent is aware that the child is not in school, enabling the parent to take steps, where necessary, to establish that their child is safe. It is important that staff carrying out first day absence calls receive proper training. Experience has shown there is a real opportunity for such staff to encourage parents to send pupils to school when they have been reluctant to do so. It is important that the staff learn how to challenge parents rather than accept inappropriate reasons for absence.
- 35.** In addition to involving parents at all stages in their child's education and in particular gaining their support for effective positive behaviour teaching and learning, parents may also benefit from the opportunity to share some of the training for school staff in behaviour and

attendance improvement. However, the school's expectations of parents should not be taken for granted but be made explicit so that parents understand and are enabled to participate as fully as possible

- 36.** For example good practice is emerging in both primary and secondary schools of offering voluntary parenting courses. Where such classes are offered to all, schools report increased engagement by parents and improved behaviour and more regular attendance from pupils. A behaviour and attendance policy should include reference to how the school will support the development of these parenting skills.
- 37.** Opportunities for engagement should be created for those parents who are either hard to reach or feel culturally excluded or would not normally take an active part in the training or other support strategies in the school.

Consultation

- 38.** As repeatedly emphasised in this advice, to be fully effective, behaviour and attendance policies need support from the whole school community, so consultation is essential. The law requires a governing body to consult the head and parents and carers before making or revising its statement of principles. But general support is more likely if all staff are actively involved in developing the code of conduct as well as agreeing underpinning principles.
- 39.** It would also be good practice to involve pupils in drawing up the policy. This could be done through school or class councils. Alternatives would include discussion in tutor groups or citizenship or personal, social and health education lessons. Parents and carers have a critical part to play by supporting the policy through reinforcement at home. Steps should be taken to consult parents and carers from all communities widely, for example, through presentations/discussions at parent evenings, parent staff association events etc. Again, particular attention needs to be paid to parents who may be harder to reach, for example by ensuring that they have access to information in the home or community language. It is particularly important to gain parents' and carers' support at the time of admission to the school when they may be agreeing to a Home/School Compact. It is also valuable to show how the views of parents and learners have informed the eventual policy.

Monitoring and evaluation

- 40.** A regular audit of behaviour and attendance is one way of measuring the effectiveness of a policy. The department has developed a Whole School Behaviour and Attendance Audit Instrument which is designed to give schools an annual measure of how well the school's organisation is managing positive behaviour and regular attendance. The audit informs the school improvement plan and leads to the identification of targeted training for staff to address any priorities in the policy application.

- 41.** As part of monitoring, schools will want to know that their behaviour policies work fairly and should therefore monitor the distribution of rewards and sanctions by gender, ethnicity and SEN. Policy is likely to refer back here to the specific duty to monitor the impact of the operation of policies on pupils, parents and staff from different racial groups, and to refer to evaluating the impact and acting on the results of evaluations. All schools' behaviour policies must make clear that racist harassment will not be tolerated and must say how staff and pupils should deal with it. The school should record all racist incidents¹, and parents and governors should be informed of such incidents and the action taken to deal with them. Governing Bodies should inform local education authorities annually of the pattern and frequency of any incidents.

¹The report of the Stephen Lawrence Enquiry defined a racist incident as 'any incident which is perceived to be racist by the victim or any other person'

Annex A

School behaviour policies: legal requirements

1. Section 61 of the School Standards and Framework Act 1998 requires a governing body to ensure that its school pursues policies designed to promote positive behaviour. In particular it:
 - a. requires a governing body to make and review a written statement of principles to guide the headteacher in determining measures for promoting positive behaviour; and
 - b. where the governing body wants particular measures introduced or particular issues addressed, requires the governing body to notify the headteacher and enables it to give further guidance.
2. In carrying out these functions the governing body must:
 - a. have regard to guidance given by the Department; and
 - b. before making or revising its statement of principles, consult the headteacher and parents and carers.
3. The headteacher must determine measures (which may include a code of conduct and its application) designed to secure an acceptable standard of behaviour and to promote self-discipline, proper regard for authority and respect for others. In particular these measures should aim to prevent all forms of bullying among pupils.
4. These measures should be consistent with the statement of principles made by the governing body and any specific notification or guidance it has given. These may go a long way towards defining an acceptable standard of behaviour. In so far as they do not, the headteacher is responsible for defining the acceptable standard.
5. The measures determined by the headteacher must be published as a written document, made generally known within the school and to parents and carers and, at least once a year, brought to the attention of all pupils, parents and carers and staff.

Annex B

Detention: the law and how to apply it

1. Detention is one of the sanctions schools can use in cases of serious misbehaviour. Section 5 of the Education Act 1997 gives schools authority to detain pupils after the end of a school session on disciplinary grounds.
2. All schools, except independent and non-maintained special schools, have clear legal authority to detain pupils without the consent of the parent. There is no risk of a legal action for false imprisonment if a pupil is kept at school after the session without parental consent. This covers both lunchtime and after school detentions. However, before a school introduces detention as a sanction, the headteacher must make all parents and carers, pupils and staff aware that teachers may use detention. Parents and carers of pupils admitted during the school year must also be told about the policy. If the headteacher has made all reasonable efforts to make the policy known, parents and carers should not be able to challenge the lawfulness of detention because they were unaware of it.
3. The law safeguards childrens' and parents' legitimate rights, and ensures reasonable limits on detention for children who misbehave. Schools do not have an unqualified right to impose detention: detentions must be reasonable and proportionate to the offence. Detentions may only be imposed by a headteacher or another teacher specifically or generally authorised to do so. They should take account of:
 - a. the child's age;
 - b. any special educational needs;
 - c. any religious requirements;
 - d. whether the parent can reasonably arrange for a child to get home from school after the detention.

Written notice

4. A school must give at least 24 hours' written notice of a detention to the parent, so allowing time for the parent to raise any problems. A notice to a parent should say:
 - a. that their child has been given a detention;
 - b. why detention was given;
 - c. when, where and for how long the child will have to remain at school.

5. Parents and carers objecting to a detention should present the relevant facts for the school to take into account. Examples of such facts should be:
 - a. that the detention is on a day of religious observance for the family;
 - b. concern about the length and safety of the walking route between the school and the child's home; or
 - c. the need for transport home if the parent cannot collect the child that day or make reasonable alternative arrangements.
6. The detention could be revoked altogether or deferred because of the parent's representations.

Parental complaint about detention

7. The headteacher, or other authorised teacher, may decide the child should have a detention despite the parent's representations. However, a parent who remains dissatisfied can complain to the headteacher and the governing body under the school's normal complaints procedures (although there will usually not be time to consider the complaint until after the detention has taken place). However, there is no right of appeal. A governing body has no power to overturn a decision if they consider a complaint before the detention takes place.
8. A parent concerned about either the principle of detention or how it is used can raise these concerns with the headteacher or the governing body, or both.

Method of notifying the parent

9. The law allows notice of a detention to be given to a pupil's parent in various ways including:
 - a. handing it to the parent;
 - b. delivering or posting it to their last known address;
 - c. any other effective method such as 'pupil post', with a telephone call to the parent, or a fax or perhaps e-mail.
10. It should normally be unnecessary for a headteacher to have to arrange for notice of detention to be served personally on the parent or to obtain acknowledgement of its delivery. This would mean that a school could never reasonably detain a pupil whose parent deliberately avoided receiving the notice or refused to respond to it. If the headteacher has given the parent, whom the school believes has custody of the child, 24 hours' written notice of a detention, the headteacher should assume that the parent has received this even if there has been no response.

Period of notice

11. The minimum period of written notice is 24 hours because delay in imposing a detention weakens its effect.
12. In practice the 24 hour requirement will normally mean a parent hearing more than a day in advance. For example, for a detention imposed on a Monday, the earliest that detention could take place would be after school on the Wednesday. This ought to allow enough time for parents and carers to make reasonable arrangements for transport, if necessary.

Who should receive the notice

13. Written notice must be given to the parent. Notifying one person who has parental responsibility for a child, even if more than one person has custody of the child, should be adequate. A headteacher who knew that a child of separated parents and carers lived with the mother, would comply with the requirement by giving notice only to the mother, but arguably not by giving notice to the father alone. The Courts could be expected to apply a common sense approach to the notice requirement. If a headteacher had taken all reasonable steps to give notice to the parent with whom the child lived, it is doubtful whether a Court would be sympathetic to a false imprisonment claim based simply on the fact the headteacher should also have given notice to someone else.

Failure to attend a detention

14. If a pupil fails to attend an after-session detention for a disciplinary offence without reasonable excuse, the headteacher should decide how to deal with the absence and the original misbehaviour, normally with a more severe sanction.

Circumstances for not detaining a pupil

15. For certain children a detention might never be reasonable, however bad their conduct. For example, an after-school detention could probably not reasonably be imposed on a child who lived far from school, if the pupil's only means of travelling home was on a bus leaving at the end of the school day and there was no other way the pupil could get home. However, the onus is on parents and carers to demonstrate any unreasonableness about the proposed detention. Simple inconvenience to parent or pupil in making alternative transport arrangements would not be sufficient reason to withdraw the detention. If after-school detention is not possible, the headteacher (or other authorised teacher taking the detention) could consider detention at lunchtime or another suitable sanction.

Responsibility for travel arrangements

16. Although the school must have regard to the availability of suitable travel arrangements after a detention, the responsibility for making those arrangements lies with the parent. The school does not have to pay.

Detaining young children

17. In principle, there is no reason why a young child, including one under compulsory school age, should not be given detention. However, it could be difficult to justify the detention of a very young child as the pupil's age would be one of the special circumstances which the headteacher must by law consider.

Responsibility for care and safety of children detained

18. Teachers have a duty to take reasonable care of pupils at school. If a child is injured because a teacher is negligent, the parent could take an action of negligence against both the teacher responsible and the employer (either the LEA or the governing body) under the legal principle of vicarious liability. Schools should also consider carefully the issues of supervision where a single child is detained.
19. A child injured going home from school after being kept in detention could theoretically have a claim in damages against the school if the child or parent could prove that:
 - a. the school's duty of care extended to ensuring the child could get home safely;
 - b. in the circumstances of the case, they had negligently failed to carry out that duty; and
 - c. the injury was a direct result of that negligence.
20. If, for example, an unsupervised young child was knocked down crossing a busy road outside the school after a detention, but someone at the school would normally have supervised the child crossing the road at the end of the school day, this could be negligence.
21. However, the LEA or governing body would not be liable for any accident that happened to the child on the way home after a detention. To succeed in a negligence action, the child or parent would have to prove all three points in paragraph 19 above.

Early morning, Saturday and holiday 'detentions'

22. The law allows schools to use detentions other than at lunchtime or after school. For Saturday morning, early morning, or holiday detentions that pupils attend voluntarily, there can be no question of false imprisonment. Such detentions depend on the co-operation of the pupil and parent.

Use of time

23. The time a pupil spends in detention should be used constructively and to best effect. Teachers should consider appropriate work for pupils to undertake during the detention.

Records

24. Schools should keep a written record of any detention and the reasons for imposing it, in case parents and carers bring a legal challenge.

Annex C

Guidance on behaviour and attendance: attendance policy

All schools should have effective systems and procedures for encouraging regular school attendance and investigating the underlying causes of poor attendance which should be set out in the attendance policy. These systems should be reviewed regularly and modified where necessary to reflect the circumstances of the school.

Parents should be aware of the school attendance policy and should be encouraged to be involved with the systems and procedures that the policy describes through letters to parents and the Home-School Agreement. The school's expectations may be backed up by information such as the DfES leaflet **School Attendance: Information for Parents** www.dfes.gov.uk/schoolattendance/publications/index Copies of the leaflet are available from DfES publications centre on 0845 60 222 60 , email dfes@prolog.uk.com. The leaflet is available in 17 community languages.

An attendance policy should set out systems and procedures for:

- the registration of pupils, including the length of time registers should be kept open;
- categorising absence;
- collating and analysing attendance data to identify trends and enable action to be taken;
- determining in which exceptional circumstances leave of absence will be granted for holidays during term-time;
- monitoring attendance and punctuality for all lessons;
- dealing with late arrivals;
- dealing with unauthorised absence (i.e. when contact will be made with parents, how and when standard letter systems will be used, what measures will be taken to re-engage disaffected pupils, what rewards/incentives will be used to encourage attendance, what sanctions will be taken);
- deferring cases to the Local Education Authority's Education Welfare Service (i.e. when, how and by whom);
- reintegrating pupils who have been absent (e.g. providing pastoral support, the role of the Learning Support Unit, using learning/peer mentoring).

Attendance registers and categorising absence

Schools are required to take an attendance register twice a day, once at the start of the morning session and once during the afternoon session. The register shows whether the pupil is present, engaged in educational activity off-site, or absent

[www/dfes.gov.uk/schoolattendance/legislation/index.ctm](http://www.dfes.gov.uk/schoolattendance/legislation/index.ctm) – The Education (Pupil Registration) Regulations 1995, as amended

http://www.legislation.hmso.gov.uk/si/si1995/Uksi_19952089_en_1.htm

Schools may take lesson by lesson registration where post-registration or 'internal' truancy is an issue.

If a pupil of *compulsory school age* is absent, the register must show whether the absence was authorised or unauthorised.

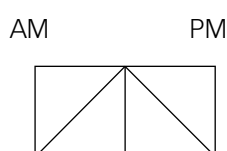
Authorised absence is where the school has either given approval in advance for a pupil of compulsory school age to be out of school, or has accepted an explanation offered afterwards as satisfactory justification for absence.

All other absences must be treated as **unauthorised**.

Parents may not authorise any absence, only schools can do this. Schools may authorise any absence but inappropriate use of authorised absence can be as damaging to a child's education as unauthorised absence. As all absences should be treated as unauthorised until schools agree on a satisfactory explanation, it is clearly important that schools have consistently applied procedures for getting explanations and amending registers. The information at the end of this Annex shows types of absences which schools may treat as authorised.

Presence at registration

Pupils present at morning registration are usually recorded with an oblique stroke, with a stroke in the reverse direction for the afternoon session:



Recording absence

Schools **must** differentiate between authorised and unauthorised absence. Schools may record authorised absence as 'O' with a supplementary code inside to record the reason. Unauthorised absence may be recorded using a different coloured 'O' but with no additional code inside it. Schools **must also** record separately if the pupil is undertaking an approved educational activity (see below). Schools may record this by a code only.

Absence codes

Schools find it useful to use codes for identifying patterns of absence. The type of code used is a matter for individual schools, in accordance with LEA advice for consistency in the analysis of absence data.

The use of electronic registration

Schools may keep registers manually or electronically. For both, the original entry in a register and any subsequent alteration must be clearly distinguishable. Both the original entry and the correction should be preserved so that on retrieval the entries appear in chronological order.

If an electronic registration system is used, the attendance register must be printed off at least once a month. At the end of each school year sheets must be bound into annual volumes and, like manual registers, kept for at least three years after the date on which they were last used.

The governing body (which is responsible for the attendance register) must register with the Data Protection Registrar under the Data Protection Act 1998. *The Office of the Data Protection Register* <http://www.dpr.gov.uk/> can give further advice.

Approved educational activities off-site

The absence of pupils to take part in supervised educational activities outside the school but authorised by the school is recorded as 'approved educational activity'. This is the **equivalent of 'present'** for the purposes of the annual absence return and performance tables, but it should be clear that such pupils are off-site for health and safety reasons or in the event of an emergency.

The following activities show when the approved educational activity category can be used:

- dual registration arrangements with a Pupil Referral Unit or special school. Both institutions share responsibility for the pupil. Failure to attend either institution, as instructed, without good reason is unauthorised absence ;

- field trips and educational visits, in this country or overseas;
- participation in or attendance at approved sporting activities;
- work experience;
- interviews with prospective employers or for a place at a further or higher education establishment (Year 11 only);
- link courses, whereby pupils attend a further education college for part of the time;
- franchised pupils receiving part of their tuition off-site at another location while remaining under the overall supervision of the home school (i.e. a flexible arrangement short of formal dual registration). This can include special tuition for dyslexic children and sick children being taught at home but remaining on the school's roll.

Temporary school closures

For school days where the whole school has to close due to severe weather conditions, fire, heating failure or other structural damage, no attendance registers are needed.

Deleting pupils from the school roll

There are clear and strict regulations on the circumstances in which schools can delete pupils from their admissions register. These are outlined in *Regulation 9 of the Education (Pupil Registration) Regulations 1995, and amendments*

http://www.legislation.hmso.gov.uk/si/si1995/Uksi_19952089_en_1.htm

<http://www.legislation.hmso.gov.uk/si/si1997/97262401.htm>

<http://www.legislation.hmso.gov.uk/si/si2001/20012802.htm>

Schools should consider the regulations carefully before deciding to remove a pupil from their roll, taking advice from the LEA as appropriate.

For removing permanently excluded pupils from roll see 'Categories of authorised absence' below

Where a school has made the decision to remove a pupil from their roll, they should notify their LEA.

If a pupil is to be taken off roll because the child is moving to another area or school, staff should first find out the name and address of the new school and when the pupil will start, confirming this information with the receiving school.

School staff should be concerned:

- If the parents do not name the new school;
- If a pupil has 'disappeared' from the area without explanation;
- If a pupil has not returned to school within ten school days of the agreed return date for a holiday taken in term time.

If schools are concerned they should alert the area child protection representative (named in local Area Child Protection Committee guidance) without delay. If they have no named contact they should inform the LEA's Designated Child Protection Officer who can make a decision on whether to alert Social Services. Social Services may in turn involve the police. If, however, schools have good reason to believe that a crime may have been committed, they should contact the police directly.

Authorised and unauthorised absence

Parentally-condoned unauthorised absence

Parentally-condoned unauthorised absence is a serious problem in some schools. Although requiring a different response to child-initiated truancy, it amounts to the same thing: the unauthorised absence of a pupil of compulsory school age.

By law, only the school can approve absence, not parents. School staff need not accept a parental explanation for a child's absence, whether written, telephoned or given in person, if they doubt the explanation. And it is for schools to judge whether the explanation given is satisfactory justification for the absence.

Any further investigation should be handled sensitively, but if after this questions remain (or where no satisfactory explanation is forthcoming), the absence must be treated as unauthorised. Where parentally-condoned unauthorised absence appears to be a problem with a particular pupil, schools should involve the Education Welfare Service at an early stage.

Excessive amounts of authorised absence can also seriously disrupt continuity of learning and encourage disaffection. School staff should therefore look out for emerging patterns of authorised absence by individual pupils or groups of pupils.

Schools should explain to parents through the Home-School Agreement how to notify them when a pupil is absent. Some parents, for example those whose first language is not English, may have difficulty in providing notes or using the telephone. Schools might suggest that such parents make alternative arrangements, either through a neighbour, a community worker or elder sibling to notify a child's absence. In order to comply with the Race Relations (Amendment) Act 2000, it is important for schools to ensure that there is equal access to information. Consequently this may mean providing appropriately translated material to ensure that no ethnic group is disadvantaged.

There is no legal requirement for parents' notes to be retained by a school. But if a pupil attends irregularly and there is a possibility of legal action, it would be sensible to keep the notes for up to three years. The information could be used in Court.

Categories of authorised absence

Family holidays during term time

Parents should not normally take pupils on holiday in term time.

Under the *School Attendance (Pupil Registration) Regulations 1995*

www.dfes.gov.uk/schoolattendance/legislation/index.ctm schools have the discretion to grant up to ten school days authorised absence for the purpose of family holidays during term time. Each request for holiday absence should be considered individually, taking into account the pupil's age, the timing of the proposed holiday, its nature and parental wishes; the overall attendance pattern of the pupil and their stage of education and progress. Schools should use their discretion sparingly.

Save in exceptional circumstances a parent shall not be granted more than ten school days leave of absence in any school year.

Absences authorized under this discretion should be kept to a minimum. Ten school days should not be regarded as the norm.

If a school does not agree absence and the pupil goes on holiday, the absence is unauthorised.

If parents keep a child away for longer than was agreed, any extra time is unauthorised.

Schools may delete from roll a pupil who fails to return within ten school days of the agreed return date unless there is a good reason for the continued absence, such as illness.

Illness, medical and dental appointments

Missing registration for a medical or dental appointment is authorised absence. Pupils should be encouraged to make appointments out of school hours. Sight of an appointment card is advisable if a pupil is an irregular attender.

If a pupil is present for registration but has a medical appointment later, or goes home because of illness, no absence need be recorded for that session.

Schools should keep a record of pupils leaving or returning to site in case of an emergency.

If the authenticity of illness is in doubt, schools and Education Welfare Services can consult the School Health Service, or the pupil's GP.

A pupil receiving medical treatment on site should be marked as present.

Days of religious observance

This is absence to take part in any day set aside exclusively for religious observance by the religious body to which the parents belong, including religious festivals.

Schools should be sensitive to such requests and parents should be encouraged to give advance notice.

Interviews with prospective employers, or for a place at another school (including entrance examinations)

School staff should normally ask for advance notice and proof of the appointment, e.g. a letter of invitation.

If the interview takes place during Year 11 and the school is satisfied that it is linked to future education or employment prospects, absence can be recorded as 'approved educational activity'

Study Leave

Study leave should be granted sparingly, not exceeding 15 school days and should be for Year 11 only. The most appropriate time to grant study leave is during the actual examination period itself.

If possible the period of study leave should be less than the examination period. Regard should also be paid to the individual pupil's ability to manage study leave and benefit from it.

Study leave cannot be counted as 'approved educational activity' as it is unsupervised.

Exclusions

A pupil excluded for a fixed period remains on roll and the absence should be treated as authorised as it results from a decision taken by the school. Similarly, the absence of a permanently excluded pupil is treated as authorised while any review or appeal is in progress.

In the case of a permanent exclusion the pupil's name should be removed from the school roll on the first school day after the day on which:

- (i) the independent appeal panel upholds the permanent exclusion; or
- (ii) the independent appeal panel does not uphold the permanent exclusion, but does not direct the pupil's reinstatement; or
- (iii) the prescribed period for lodging an appeal has expired and the parent has not lodged an appeal; or
- (iv) the parent has, before the expiry of the prescribed period, advised the LEA in writing that he does not intend to appeal.

In the meantime the absence is to be recorded as authorised.

The school is responsible for setting work for an excluded pupil who remains on the school roll.

Traveller child when the family is travelling

To help ensure the continuity of learning for Traveller children, dual registration is allowed. This means that a school cannot remove a Traveller child from the school roll while they are travelling.

While the Traveller is away, the base school holds the place open and records the absence as authorised.

Distance learning packs for Traveller children are not an alternative to attendance at school.

Family bereavements

Schools should respond sensitively to requests to attend funerals or associated events and have discretion to authorise such absences.

Child caring for a sick or disabled family member (young carers)

In a genuine crisis, a school can approve absence for a child to care for a relative until other arrangements can be made. The school should set a time limit for the absence and set some school work so the pupil does not fall far behind while at home. Referral to outside agencies should be done sensitively, recognising that a child may fear being 'put into care' if the parents are seen as unable to cope. In the final analysis it is important to remember that in accordance with the Children's Act 1989, the interests of the child are paramount and that advice should be sought from Social Services.

Family prison visits

Schools should authorise requests for absence which will enable a child to visit his or her parent in prison.

Birth of a child

Support should be directed to keeping the pupil in school wherever possible, and to her return to full-time education as soon as possible after the birth.

A pupil who becomes pregnant should be allowed no more than 18 weeks' authorised absence to cover the time immediately before and after the birth of the child. After that time, any absence should be treated as unauthorised.

Special occasions

Schools should consider each request individually. Only exceptional occasions warrant leave of absence. For example, attending the wedding of a family member would be acceptable but a day out of school for the pupil's birthday or for a shopping trip would not.

Schools should take into account: the nature of the event; its frequency (is it a one-off or likely to become a regular occurrence?); whether the parent gave advance notice; and the pupil's overall attendance pattern.

Public performances, including film or TV work

The Local Authority must licence a pupil to take part in a public performance.

Agreed participation should be treated as authorised absence.

Lateness

Schools should actively discourage late arrival and be alert to patterns of lateness which could provide grounds for prosecution.

Schools should have a policy on how long registers should be kept open. Thirty minutes from the beginning of registration would be reasonable, but schools can set shorter periods. For Health and Safety and educational reasons, it is important that a late book is kept to note the children who arrive after the registers are closed. These records are invaluable in the event of an incident such as a fire.

In circumstances such as bad weather or public transport difficulties, schools may keep the register open for a longer period.

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