



Attendance & Punctuality Policy

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Approved by Governors at:	
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Chair of Committee	

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Monitoring and review

This policy is monitored by the Governing Board, and will be reviewed in line with the schools review schedule.

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Appendix 1: Attendance codes

We are committed to making it our mission to promote resilience, positive wellbeing and mental health for all pupils and staff. We understand wellbeing to be a state of being comfortable, healthy and happy. We aim to drive this message forward, and to ensure that mental health and wellbeing is "everyone's business" across the whole school community.

1. Aims

We are committed to meeting our obligation with regards to school attendance through our whole-school culture and ethos that values good attendance, including:

- Promoting good attendance
- Reducing absence, including persistent and severe absence
- Ensuring every pupil has access to the full-time education to which they are entitled
- Acting early to address patterns of absence
- Building strong relationships with families to ensure pupils have the support in place to attend school

We will also promote and support punctuality for all attending lessons.



2. Legislation and guidance

This policy meets the requirements of the [working together to improve school attendance](#) from the Department for Education (DfE), and refers to the DfE's statutory guidance on [school attendance parental responsibility measures](#). These documents are drawn from the following legislation setting out the legal powers and duties that govern school attendance:

- Part 6 of [The Education Act 1996](#)
- Part 3 of [The Education Act 2002](#)
- Part 7 of [The Education and Inspections Act 2006](#)

[The Education \(Pupil Registration\) \(England\) Regulations 2006 \(and 2010, 2011, 2013, 2016 amendments\)](#)

[The Education \(Penalty Notices\) \(England\) \(Amendment\) Regulations 2013](#)

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

3. Roles and responsibilities

3.1 The governing board

The governing board is responsible for:

- Promoting the importance of school attendance across the school's policies and ethos
- Making sure school leaders fulfil expectations and statutory duties
- Regularly reviewing and challenging attendance data
- Monitoring attendance figures for the whole school
- Making sure staff receive adequate training on attendance
- Holding the headteacher to account for the implementation of this policy
- Identifying a Link Governor for attendance who will meet with school on a termly basis to monitor, review & challenge pupil attendance data

3.2 The headteacher

The headteacher is responsible for:

- Implementation of this policy at the school
- Monitoring school-level absence data and reporting it to governors
- Supporting staff with monitoring the attendance of individual pupils
- Monitoring the impact of any implemented attendance strategies
- Issuing fixed-penalty notices, where necessary

3.3 The designated senior leader responsible for attendance

The designated senior leader is responsible for:

- Leading attendance across the school
- Offering a clear vision for attendance improvement



- Evaluating and monitoring expectations and processes
- Having an oversight of data analysis
- Devising specific strategies to address areas of poor attendance identified through data
- Arranging calls and meetings with parents to discuss attendance issues alongside the EWO
- Delivering targeted intervention and support to pupils and families

The designated senior leader responsible for attendance is Miss A. Hanley and can be contacted via the school's telephone number: 01902 558570

3.4 The attendance officer

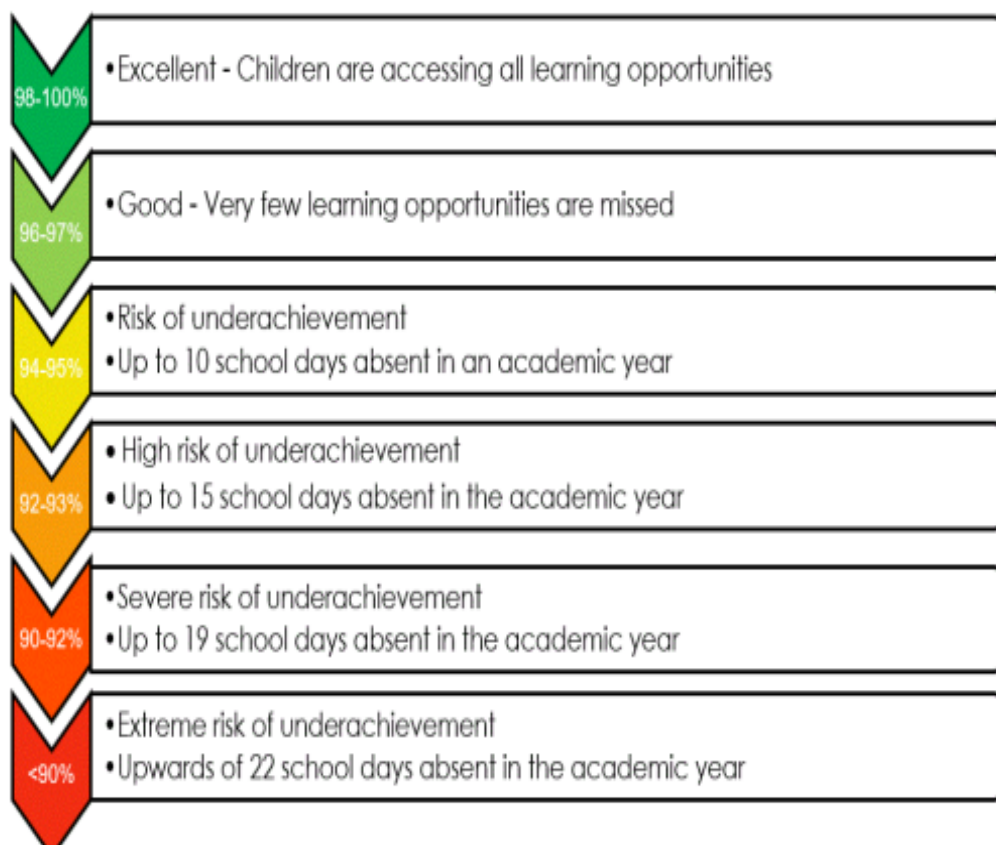
The school attendance officer is responsible for:

- Monitoring and analysing attendance data (see section 7)
- Benchmarking attendance data to identify areas of focus for improvement
- Providing regular attendance reports to school staff and reporting concerns about attendance to the designated senior leader responsible for attendance and the headteacher
- Working with education welfare officers to tackle persistent absence
- Advising the headteacher/senior lead for attendance when to issue fixed-penalty notices

The attendance officer is Miss K. Hughes and can be contacted via the school's telephone number: 01902 558570

3.5 The Local Authority, via the EWO

- Support the school in improving attendance, through whole school initiatives and individual pupil interventions
- Work with families and other agencies to remove barriers to good attendance.
- Ensure that parents are informed of their responsibilities in relation to attendance.
- Uphold and enforce the law in respect of attendance, child employment, and involvement in entertainment and child protection.



3.6 Class teachers

Class teachers are responsible for recording attendance twice daily (AM & PM), using the correct codes, and submitting this information to the ARBOR registration system. They will:

- Regularly remind children and parents about the importance of good attendance.
- Follow up on pupil absence by ensuring reasons for absence are sought.
- Provide a welcoming and safe environment, which encourages attendance and promotes the best performance from children.
- Establish good and effective communication links with parents/carers and work collaboratively in meeting the child's needs.
- Feedback to parents about pupil attendance and punctuality regularly and at Parents' Evenings.

3.7 School admin staff

School admin staff will:

- Take calls from parents about absence on a day-to-day basis and record it on the school system
- Transfer calls from parents to the pastoral team in order to provide them with more detailed support on attendance, if message not left on schools absence line
- Be aware of those on the attendance cohort and what this means RE: absences/ evidence



3.8 Parents/carers

Parents/carers are expected to:

- Make sure their child attends every day on time
- Call the school to report their child's absence **before 8:45am** on the day of the absence and advise when they are expected to return
- Provide the school with more than 1 emergency contact number for their child
- Ensure that, where possible, appointments for their child are made outside of the school day
- Contact school should the child not return on the expected date

3.9 Pupils

Pupils are expected to:

- Attend school every day on time

4. Recording attendance

4.1 Attendance register

We will keep an attendance register and place all pupils onto this register.

We will take our attendance register at the start of the first session of each school day and at the start of the afternoon session. It will mark whether every pupil is:

- Present
- Attending an approved off-site educational activity
- Absent
- Unable to attend due to exceptional circumstances

Any amendment to the attendance register will include:

A true reflection of the attendance for the child with comments (where possible) as to why amendments have been made.

See appendix 1 for the DfE attendance codes.

We will also record:

- Whether the absence is authorised or not [For pupils of compulsory school age]
- The nature of the activity if a pupil is attending an approved educational activity
- The nature of circumstances where a pupil is unable to attend due to exceptional circumstances

We will keep every entry on the attendance register for 3 years after the date on which the entry was made.

Pupils must arrive in school by 8:55am on each school day.

The register for the first session will be taken and will be kept open until 9:25am. Any child arriving from 8:56am up to 9:25am will be marked as 'L' and the number of minutes recorded on ARBOR. However, if a child arrives after 9:25am they will be marked as 'U' which is classes as an



unauthorised absence for the session. The afternoon session begins at 1:15pm and will be kept open until 1:45pm. Any child arriving from 1:16pm will be marked as 'L' and the number of minutes recorded on ARBOR. However, if a child arrives after 1:45pm they will be marked as 'U' which is classes as an unauthorised absence for the session.

For Nursery children, where attendance is non- compulsory, the register for the first session will be taken at 8:55am and will be kept open until 9:25am. Any child arriving from 8:56am will be marked as 'L' and the number of minutes recorded on SIMS. The afternoon session begins at 12:30pm and will be kept open until 1pm. Any child arriving after 12:31pm will be marked as 'L' and the number of minutes recorded on ARBOR.

4.2 Unplanned absence

The pupil's parent/carer must notify the school of the reason for the absence on the first day of an unplanned absence **by 8:45am** or as soon as practically possible by calling the school absence line/ office staff (see also section 7).

We will mark absence due to illness as authorised unless the school has a genuine concern about the authenticity of the illness or, the child is on our monitored attendance cohort.

If the authenticity of the illness is in doubt, or the child is on our monitored attendance cohort, the school may ask the pupil's parent/carer to provide medical evidence, such as a doctor's note, prescription, appointment card or other appropriate form of evidence. We will not ask for medical evidence unnecessarily.

If the school is not satisfied about the authenticity of the illness, the absence will be recorded as unauthorised, and parents/carers will be notified of this in advance.

4.3 Planned absence

Attending a medical or dental appointment will be counted as authorised as long as the pupil's parent/carer notifies the school in advance of the appointment. This should be done via notifying the admin team in the school's office and showing proof of appointment (letter, text, email etc.)

However, we encourage parents/carers to make medical and dental appointments out of school hours where possible. Where this is not possible, the pupil should be out of school for the minimum amount of time necessary.

The pupil's parent/carer must also apply for other types of term-time absence as far in advance as possible of the requested absence. Go to section 5 to find out which term-time absences the school can authorise.

4.4 Lateness and punctuality

A pupil who arrives late:

- Before the register has closed will be marked as late, using the appropriate code **L**
- After the register has closed will be marked as absent, using the appropriate code **U**

The Pastoral Team and EWO monitor attendance and punctuality regularly. This may involve speaking to parents directly, or via a phone call. Letters regarding the school's concern over



lateness may also be sent; explaining how much learning children are missing. If it does not improve, parents are invited into school, to discuss the concerns and plan a way forward.

If lateness does not improve following the meeting, then the family will be referred to the EWO who will contact parents/carers warning them that further action may be taken.

Five lates per term will trigger the start of this procedure:

- 5 lates will trigger a Stage 1 punctuality letter- outlining the dates the child was late & schools' expectations.
- 10 lates will trigger a Stage 2 punctuality letter -an arranged meeting in school with attendance team & parents/ carers to discuss concerns & targeted support to help improve punctuality.
- 15 lates will trigger a Stage 3 punctuality letter - informing of possible penalty notice being issued by the local authority and referring parents/ carers to the schools EWO (who will be now monitoring and tracking punctuality).
- Any further lates will then be recorded as an unauthorised absence and could result in a referral to Children's Social Care on the grounds of educational neglect.

IMPORTANT:

Child Protection and safeguarding concerns must be acted on immediately, in line with the school Child Protection and Safeguarding Policy. Updates to KCSiE 2023 include clarification that being absent as well as missing, from education can be warning sign of a range of safeguarding concerns, including sexual abuse, sexual exploitation or child criminal exploitation.

4.5 Following up unexplained absence

Where any pupil we expect to attend school does not attend, or stops attending, without reason, the school will:

- Follow up on their absence with their parent/carer to ascertain the reason, (by initial first day text, followed by call and EWO home visit if deemed necessary by the team).

Day 1. Absence text (unless on Attendance Cohort or deemed more vulnerable)

Day 2. Call to parent/ carer

Day 3. Refer to EWO for home visit

Any child on the Attendance Cohort or any child deemed to be more vulnerable will automatically receive a first day call.

- If the school cannot reach any of the pupil's parents/ carers or emergency contacts, the school may contact the police to request a safe & well check
- Identify whether the absence is approved or not
- Identify the correct attendance code to use and input it as soon as the reason for absence is ascertained - this will be no later than 5 working days after the session



- Call the parent/carer on each day that the absence continues without explanation to ensure proper safeguarding action is taken where necessary. If absence continues, the school will consider involving the education welfare officer

4.6 Reporting to parents/carers

The HT/SLT monitor individuals, classes, year groups, differentiated groups such as, SEND, PP, FSM children. They identify patterns and trends in absence/punctuality, including persistent absence. The systems and structures are then followed, to improve attendance for these individuals or groups. Letters are sent out to parents whose children's attendance reaches 7 days of absence or more. Parents/ Carers are invited to work in partnership with the school. Reasonable adjustments will be made for individual circumstances, including known medical conditions, e.g., diabetes.

Stage 1 attendance letter (7 days absence) - information sharing & reminder of school's expectations

Stage 2 attendance letter (10 days absence) - SARM meeting with school's attendance team/ offer or review of early help where appropriate -review period with Improved Attendance Certificate for pupil's if no further absence.

Stage 3 attendance letter (13 days absence) - formal warning notice. EWO contract or supervision order may be considered.

Stage 4 attendance letter (16 days absence) - EWO legal referral prosecution to protect the pupil's right to an education

Stage 5 attendance letter (19 days) - Statutory processes. The pupil is now classed as persistently absent and will be for the remainder of the school year. Safeguarding referrals may be considered.

The school will regularly inform parents/ carers about their child's attendance and absence levels via the above steps as well as school reports and parents' evenings.

5. Authorised and unauthorised absence

5.1 Approval for term-time absence

The headteacher will only grant a leave of absence to a pupil during term time if they consider there to be 'exceptional circumstances'. A leave of absence is granted at the headteacher's discretion, including the length of time the pupil is authorised to be absent for.

In line with Wolverhampton Local Authority Guidance and the 2013 Amendment to the Education (Pupil Registration) (England) Regulations, **leave for children during term time is not authorised under any circumstances**. The school recognises that taking children out of school may constitute a safeguarding risk and will make necessary enquiries, in order to be satisfied that the child is not at risk. The school may contact outside agencies in order to ensure that a visit is legitimate and safe for the child/children.

Head teachers may now only grant leave in term time where the circumstances are exceptional. Examples of this **may** be:



Policy Title and Year

- death of parent/carer or sibling of the pupil
- life threatening or critical illness of parent or sibling of the pupil
- parent/carer recuperation and convalescence from critical illness or surgery (leave request to be made within 6 months of recovery and medical evidence required)
- A special one-off family event (e.g., parents wedding) - but one that does not happen on an annual basis.
- A funeral which requires the family to travel some distance etc.
- The receipt of a special award which means the family need to travel some distance and stay overnight.
- A parent/ carer who has the potential for a new job and wants to take their family with them to see if they like the area.
- Religious observance - where the day is exclusively set apart for religious observance by the religious body to which the pupil's parents/ carers belong. If necessary, the school will seek advice from the parents' religious body to confirm whether the day is set apart
- Traveller pupils travelling for occupational purposes -may be authorised only when a Traveller family is known to be travelling for occupational purposes and has agreed this with the school but it is not known whether the pupil is attending educational provision
- A parent who is in the Armed Forces might be considered under 'exceptional' circumstances.

A leave of absence is granted at the headteacher's discretion.

We define 'exceptional circumstances' as **circumstances that could not be reasonably foreseen and for which there was insufficient time to take the necessary action to resolve the situation arising from those circumstances**

The school considers each application for term-time absence individually, considering the specific facts, circumstances, and relevant context behind the request.

Family emergencies need careful consideration. It is not always in the best interest of the child, nor appropriate for them to miss school for family emergencies that are being dealt with by adult family members. Being at school, surrounded by friends, with structure and support from staff can provide children with stability and care during difficult times. The routine of school can provide a safe and familiar background during times of uncertainty.

If family's have exceptional circumstances, which lead them to request leave in term time they must complete the required form from the school office. The Headteacher will then decide whether the leave can be lawfully authorised and will do so only if there is a genuine, exceptional, and urgent reason for a child to be absent during term time.



Other considerations the school may take into account when receiving a 'Leave of Absence' request.

- Current attendance will be taken into consideration and pupils should have attendance above 95% for leave of absence to be considered.
- Previous holidays already taken will be reviewed as annual leave of absence, will not be granted.
- **No leave of absence will be authorised for Year 6 or Year 2 pupils during SATS week in May (dates to be confirmed)**
- **No leave of absence will be authorised for pupils at the beginning of each academic year during September.**

The school considers each application for term-time absence individually, taking into account the specific facts, circumstances and relevant context behind the request.

Any request should be submitted as soon as it is anticipated and, where possible, at least 2 weeks before the absence, and in accordance with any leave of absence request form, accessible via the school office. The headteacher may require evidence to support any request for leave of absence.

5.2 Legal sanctions

The school or local authority can fine parents for the unauthorised absence of their child from school, where the child is of compulsory school age.

If issued with a fine, or penalty notice, each parent must pay £60 within 21 days or £120 within 28 days. The payment must be made directly to the local authority.

Penalty notices can be issued by a headteacher, local authority officer or the police.

The decision on whether or not to issue a penalty notice may take into account:

- The number of unauthorised absences occurring within a rolling academic year
- One-off instances of irregular attendance, such as holidays taken in term time without permission
- Where an excluded pupil is found in a public place during school hours without a justifiable reason

If the payment has not been made after 28 days, the local authority can decide whether to prosecute or withdraw the notice.

6. Strategies for promoting attendance

Good attendance and punctuality is regularly promoted and supported and remains high profile across school.

Weekly Celebration Assemblies -Celebration Assemblies are held every week on Friday. Classes with the highest attendance receive the Attendance 'Award'. Classes receive extra break time if the class achieves 100% attendance. The class receives an extra break, on the following Monday-



or whenever is convenient for the class. The most punctual class (the one with the least number of minutes late) will also receive an extra break.

School Newsletter -The school newsletter is used to highlight the importance of good attendance and punctuality. It regularly includes sections reminding parents of our school attendance target and what that means in terms of number of days absent. It also includes information about any initiatives, which the school is using, to promote attendance and punctuality.

School Website -This includes attendance information and information about the classes with the highest attendance and punctuality. Details of how parents can support the school by improving their child's attendance and punctuality, is also included via a leaflet on the website.

Early Birds/ Tea- Time Club -This wrap-around service supports parents by allowing them to drop their children off from 7.30 am, ensuring they are on time for school. The club is owned and run by Moore's Childcare Service.

The School Learning Environment -A welcoming, organised learning environment that supports and celebrates its learners is a key factor in ensuring children enjoy school and attend regularly. All staff ensure that their learning environments are of a high quality. Regular, rigorous environmental audits are carried out by the SLT, to ensure this.

Staff Promoting Good Attendance -It is important that teachers are regularly promoting good attendance with their classes. Good class attendance is attributed to good teaching, and this is celebrated.

Sharing attendance data -Children are informed, during Friday's assembly, of attendance/punctuality achievements. (Developing healthy competition between year groups to improve attendance. It also engages the class teacher in conversation with their classes about attendance).

Parent/teacher consultation evenings -This provides an opportunity for form teachers to praise and recognise excellent attendance or share attendance concerns and discuss barriers to good attendance. Where necessary a target for improving attendance is set. The class teacher then monitors this. If there is no improvement in attendance/punctuality, the pupil is referred to the Pastoral Manager/ Pastoral Manager and DHT.

Family rewards- We recognise that due to the age of our pupils, it falls to parents/ carers to ensure the children are present in school on time every day and so we will celebrate and praise their efforts by issuing a family rewards vouchers for those who have consistent improved attendance. This reward is a voucher of £25 pounds that can be issued for a family celebration event such as a visit to Hollywood Bowl, the Cinema or Smyths so the family can enjoy an experience together or buy a game to play and enjoy together.



End of Term Attendance Rewards - Our school wishes to recognise positive attendance. See the Attendance Rewards table below

<u>Award</u>	<u>Prize to be given</u>
Termly 100% Attendance	<ul style="list-style-type: none"> • 100% Attendance Certificate • 100% Pencil or a 100% Attendance Badge <p style="text-align: center;">PLUS</p> <ul style="list-style-type: none"> • Entry to the £10 termly prize draw
Termly Great Attendance (no more than 4 sessions -2 days- missed)	<ul style="list-style-type: none"> • Loxdale Attendance Certificate • Loxdale Good Attendance Badge
Improved Attendance (issued as required by the team)	<ul style="list-style-type: none"> • Achievement Certificate
End of Year 100% Attendance	<ul style="list-style-type: none"> • 100% Annual Attendance Certificate • Attendance Wristband
End of Year Great Attendance (no more than 6 sessions - 3 days - missed) over the Whole Year	<ul style="list-style-type: none"> • Great Yearly Attendance Certificate, Great Yearly Pencil
End of Whole School Life Attendance Award	<ul style="list-style-type: none"> • Star Certificate • £10 Gift Voucher • Outstanding Attendance Badge

NB The Attendance Team reserve the right to award other attendance awards to individual children and families on an individual needs basis

7. Attendance monitoring

At Loxdale Primary School we procure the services of: 'Independent Education Welfare Company' for advice, support, guidance and to undertake home-visits, welfare checks and lead attendance meetings as appropriate. The EWO meets with school weekly to discuss attendance with the Pastoral Team.

Class registers are recorded using ARBOR. The system ensures that no children are missed, and that pupil information can be shared quickly and securely. Registers are the only way of recording pupil attendance and must be completed accurately. This is the responsibility of the staff member who has been directed to take the register for that session. Registers can be re-submitted in the case of a mistake or a pupil arriving after submission, but registers **must be accurate and submitted at key times.**



- The Pastoral Team monitors pupil absence daily.
- A pupil's parent/carer is expected to call the school in the morning if their child is going to be absent due to ill health (see section 4.2). The reason will then be recorded on ARBOR.
- Parents/ carers are required to call the school again if the child does not return to school on the expected return date. If no call is received from parents/ carers, the school will make contact to discuss the reasons for this and any support needed (unless we are aware of a long-term absence such as Chicken Pox, Measles etc)
- If a pupil's absence continues to rise without an appropriate reason following contact with parents/ carers, we will consider involving the Education Welfare Officer.

7.1 Monitoring attendance

The school will:

- Monitor attendance and absence data weekly, half-termly, termly and yearly across the school and at an individual pupil level
- Identify whether or not there are particular groups of children whose absences may be a cause for concern

Pupil-level absence data held on ARBOR is currently submitted daily via WONDE and is published at national and local authority level through the DfE's school absence national statistics releases. The underlying school-level absence data is published alongside the national statistics. The school will compare attendance data to the national average and share this with the governing board.

7.2 Analysing attendance

The school will:

- Analyse attendance and absence data regularly alongside our EWO to identify pupils or cohorts that need additional support with their attendance, and use this analysis to provide targeted support to these pupils and their families.
- Look at historic and emerging patterns of attendance and absence, and then develop strategies to address these patterns

7.3 Using data to improve attendance

The school will:

- Provide regular attendance reports to class teachers, and other school leaders, to facilitate discussions with pupils and families
- Use data to monitor and evaluate the impact of any interventions put in place in order to modify them and inform future strategies



7.4 Reducing persistent and severe absence

Persistent absence is where a pupil misses 10% (19 days) or more of school, and severe absence is where a pupil misses 50% or more of school.

The school will:

- Use attendance data to find patterns and trends of persistent and severe absence
- Hold regular meetings with the parents of pupils who the school (and/or local authority) considers to be vulnerable, or are persistently or severely absent, to discuss attendance and engagement at school
- Provide access to wider support services to remove the barriers to attendance.

8. Monitoring arrangements

This policy will be reviewed as guidance from the local authority or DfE is updated, and as a minimum every 2 years by the Pastoral Manager/ Headteacher. At every review, the policy will be approved by the Full Governing Board.

9. Links with other policies

This policy links to the following policies:

- Child protection and safeguarding policy
- Behaviour policy

Appendix 1: attendance codes

The following codes are taken from the DfE's guidance on school attendance.

Code	Definition	Scenario
/	Present (am)	Pupil is present at morning registration
\	Present (pm)	Pupil is present at afternoon registration
L	Late arrival	Pupil arrives late before register has closed
B	Off-site educational activity	Pupil is at a supervised off-site educational activity approved by the school



D	Dual registered	Pupil is attending a session at another setting where they are also registered
J	Interview	Pupil has an interview with a prospective employer/educational establishment
P	Sporting activity	Pupil is participating in a supervised sporting activity approved by the school
V	Educational trip or visit	Pupil is on an educational visit/trip organised, or approved, by the school
W	Work experience	Pupil is on a work experience placement

Code	Definition	Scenario
Authorised absence		
C	Authorised leave of absence	Pupil has been granted a leave of absence due to exceptional circumstances
E	Excluded	Pupil has been excluded but no alternative provision has been made
H	Authorised holiday	Pupil has been allowed to go on holiday due to exceptional circumstances
I	Illness	School has been notified that a pupil will be absent due to illness
M	Medical/dental appointment	Pupil is at a medical or dental appointment
R	Religious observance	Pupil is taking part in a day of religious observance
S	Study leave	Year 11 pupil is on study leave during their public examinations



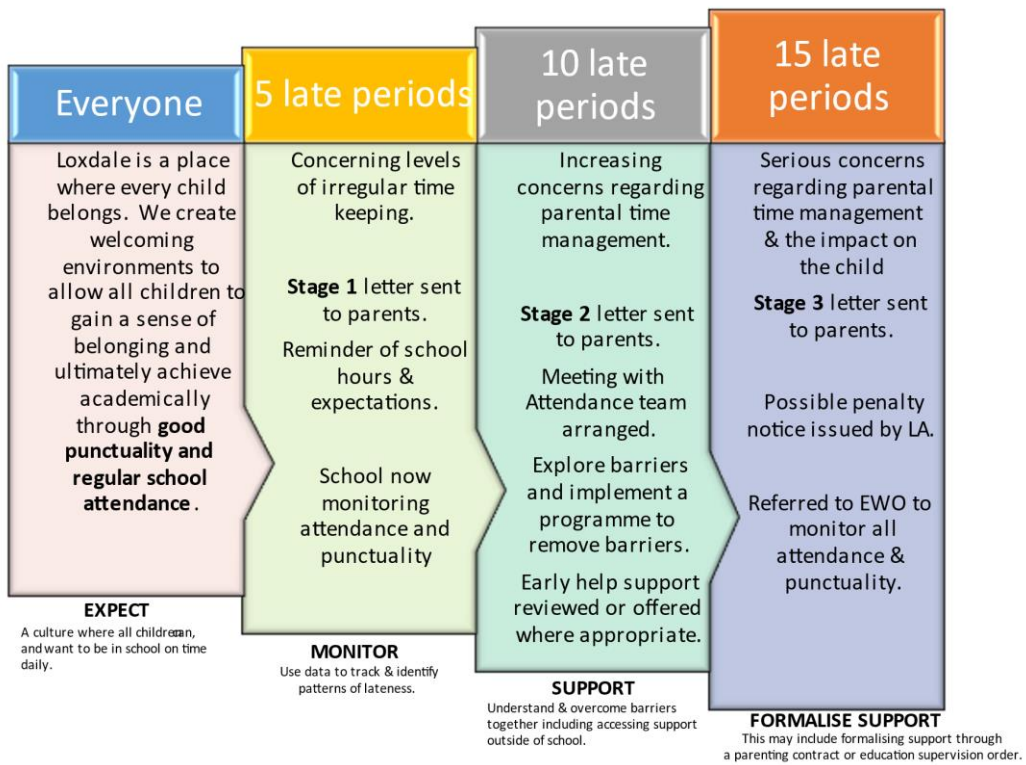
T	Gypsy, Roma and traveller absence	Pupil from a traveller community is travelling, as agreed with the school
Unauthorised absence		
G	Unauthorised holiday	Pupil is on a holiday that was not approved by the school
N	Reason not provided	Pupil is absent for an unknown reason (this code should be amended when the reason emerges, or replaced with code O if no reason for absence has been provided after a reasonable amount of time)
O	Unauthorised absence	School is not satisfied with reason for pupil's absence
U	Arrival after registration	Pupil arrived at school after the register closed

Code	Definition	Scenario
X	Not required to be in school	Pupil of non-compulsory school age is not required to attend
Y	Unable to attend due to exceptional circumstances	School site is closed, there is disruption to travel as a result of a local/national emergency, or pupil is in custody
Z	Pupil not on admission register	Register set up but pupil has not yet joined the school
#	Planned school closure	Whole or partial school closure due to half-term/bank holiday/INSET day

NB- Children of non- compulsory school age will not be given unauthorised absence codes. However, children in Nursery and Reception who are expected to attend but do not, should still be given an authorised absence code and NOT an X code.

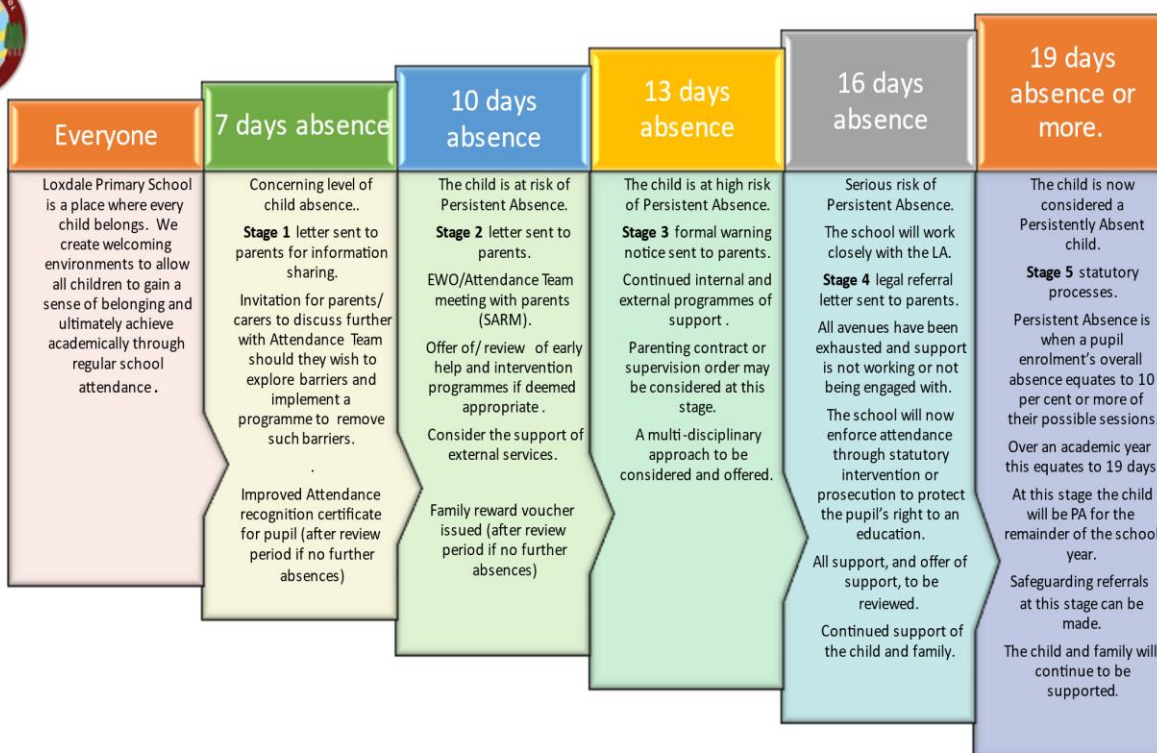


Punctuality - Escalated approach





Attendance - Escalated approach



EXPECT

A culture where all children can, and want to, be in school.

MONITOR, LISTEN & UNDERSTAND

Understand barriers to attendance, work together to remove them.

FACILITATE SUPPORT

Access support to overcome barriers outside of school.

FORMALISE SUPPORT

This may include formalising support through a parenting contract or education supervision order.

ENFORCE

Statutory intervention or prosecution to protect the pupil's right to an education when there is no other option