

# **HIGH STREET PRIMARY SCHOOL**

## **ATTENDANCE POLICY**



Reviewed May 2016

## **CHANGES**

June 2012 New policy

January 2013 Policy Updated

### **Contact**

If you have any questions regarding this policy please contact your PLP HR Adviser

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This document acknowledges that both the Local Authority and schools must apply their powers fairly and consistently.

**A student's absence will have a serious impact on their attainment. They need to know that every absence is noticed and appropriate action is always taken. Absence can also be the first sign of a safeguarding issue.**

**These policies and procedures will enable the school to:**

**Boost attainment and achievement levels by increasing and maintaining high levels of attendance.**

**Report regularly on attendance to parents.**

**Work effectively to improve attendance with our various partners and parents/carers/pupils.**

Student attainment and achievement depend on regular presence in school. Any absence leads to missed learning opportunities and other experiences, and may cause difficulties with social relationships. It may also lead to a threat to the welfare of our pupils or to opportunities for anti-social behaviour.

The attendance of a pupil at school is central to meeting the Every Child Matters agenda. Only when a pupil is in school can a true responsibility be taken for safeguarding all the interests of the pupil.

School attendance is seen as a 'whole school issue'.

Encouraging good attendance is the shared responsibility of the school, the parent/carer, the pupil, partners in the Local Authority and the Police. Parents/carers have a responsibility to see that their children receive appropriate education and it is the responsibility of the Local Authority, through its Education Welfare Service, to ensure that this happens.

### **Aims, understanding and principles of good attendance**

- Understanding that non-school attendance is a safeguarding issue.
- To support school to maximise the achievement of all pupils.
- There is a clear link between good attendance and educational achievement.
- Regular and punctual attendance is vital if pupils are to benefit fully from academic, personal and social opportunities, which are offered to them within the school.
- Parents/carers play an important role in supporting the school and encouraging pupils to reach good attendance levels.
- A broad and balanced education is dependent on regular attendance at school.
- School will take appropriate action to promote good attendance.

## **What the school, parents/carers and pupils can expect of the Education Welfare Service**

- The Education Welfare Service has a key function in working closely with schools, families, teams within the LA and other services and agencies, both statutory and voluntary. The Education Welfare Service aims to promote excellent levels of attendance and punctuality at school or otherwise, thereby contributing to raising pupil attainment.
- To work within a legal framework, through the DfE and discharge its duties with regard to ensuring that a child for whom they are responsible is receiving a suitable education by regular school attendance. In doing so it enables schools and parents/carers to meet their respective responsibilities.
- To support school to fulfil their legal responsibilities with regard to pupil attendance.
- To provide a sample Attendance Policy to schools.
- To support and challenge schools in respect of data analysis, registering of pupils and marking of registers including authorising absence, persistent absence, early intervention and monitoring.
- To undertake register inspections on a termly basis as a minimum. The admission register and the attendance register of every school must be available for inspection during school hours by:
  - Any of Her Majesty's Inspectors of Schools appointed under Section 1(2) and 5(2) the Education (Schools) Act 2005(b);
  - Any Inspector registered under Section 2(1) Schedule 1 of that Act; and
  - In the case of a school maintained by a Local Authority, any officer of the Local Authority authorised for that purpose (Education Welfare Officer).
- Promote partnership working between the Local Authority, schools, parents/carers and other services and agencies by offering guidance, support and assistance in this area.
- Assist schools in creating a framework which promotes consistent practices and procedures.
- The Local Authority will work to overcome any language/interpretation/understanding barriers and work with schools and other agencies/services/individuals to assist in overcoming any barriers that may be presented by the pupil or their family in order to ensure the pupil receives the education to which they are entitled.
- Provide training/information to staff/pupils/Governors on attendance issues as and when required.

## **What the school expects of its pupils:**

- To attend regularly, everyday unless there is a good reason e.g. illness.
- To arrive on time, appropriately prepared for the day and ensure they arrive promptly to each individual lesson.
- To hand any letters regarding absence from parents to the Class Teacher.

### **What the school expects of parents/carers**

- To fulfil their parental responsibility by ensuring their children attend school regularly and on time. Parents/carers should be aware it is their responsibility in law for ensuring that their children of compulsory school age receive an efficient full time education suitable for their age, ability, aptitude and any special educational needs they may have.
- To ensure that they contact the school on the first day their child is unable to attend (within the first half hour of the start of the school day).
- To ensure their child arrives on time and is well prepared for the school day with equipment, completed homework etc.
- To avoid medical appointments during the school day unless absolutely necessary and to collect from and return pupils to school whenever an appointment is unavoidable during the school day.
- To contact the school whenever any problem occurs that may keep their child away from school.
- To inform the Class Teacher and seek authorisation from the appropriate person within the school for any forthcoming appointments and, where possible, arrange appointments outside of the school day.
- To ensure the continuity of their child's education by taking holidays during the school holiday period except in special/exceptional circumstances (providing evidence where necessary why this is needed) and seeking permission prior to taking a holiday in term time.
- Work in partnership with school to take an active interest in their child's school career, to reinforce school policies/arrangements on homework, behaviour and approach to learning, to attend parent consultation evenings and other meetings where necessary.
- Work in partnership with the school and other agencies (as and when appropriate) to resolve issues relating to non-attendance.

### **What parents/carers and pupils can expect of the school**

- To maximise attendance rates as one of their key tasks, with clear procedures to identify and follow up absence and provide a consistent approach in dealing with absence and lateness.
- Inform and involve Governors.
- To nominate a member of the senior management team to be the Attendance Lead for the school.
- Identify a range of strategies to deal with absenteeism and punctuality.
- Support parents in ensuring regular and punctual attendance.
- To respond promptly to any issue which may lead to non, or irregular school attendance.
- Be sensitive to the needs of the individual parent/carer. This will be reflected in the ways in which attendance issues are addressed, eg school should recognise that some parents/carers have difficulty understanding written communications. (School will also recognise the reluctance of some parents/carers to come into school).
- Be alert to critical times – eg return to school after a period of long term sickness, a return after a traumatic event (either at home or school) or during the period leading to a phased transfer.

- Produce whole school Attendance Policies and Procedures which are consistently applied and clearly communicated to all parents/carers.
- To provide a broad and balanced education which is motivational and relevant to all students, and is dependent on regular attendance at school.
- The encouragement and promotion of good attendance.
- Regular, efficient and accurate recording of attendance and basic analysis of attendance data will be undertaken regularly.
- First day contact with parents when a pupil fails to attend school without providing a valid reason.
- Prompt action on any problems identified.
- Close liaison with the Education Welfare Service and other services and agencies to assist and support parents/carers and pupils where needed.
- Notification to parents/carers of their child's attendance record through an annual report home and regular updates throughout the academic year.
- All staff will maintain high expectations in relation to attendance, all pupils will be made aware that their presence is compulsory and that their absence is noted.
- Systems of reward for attendance as well as achievement and sympathetic reintegration strategies for long-term absentees.
- Provide effective primary/secondary liaison.
- Referral to the Education Welfare Service where school intervention has failed to secure an improvement in attendance. Schools will always refer to Education Welfare Service where a child is a Persistent Absentee pupil and there are no acknowledged reasons for absence by the school. Discussions with Education Welfare Service may start at 90 per cent, 8 unauthorised sessions or 4 days absence with no contact. 8 sessions equates as follows: 1 morning = 1 session or 1 afternoon = 1 session or 1 day = 2 sessions

### **The role of the school's Governing Board**

The Governing Board of each school is expected to set an attendance target for the school on an annual basis. It should be equal to or exceed the previous year's target. The Governing Body may wish to appoint a governor with specific responsibilities for attendance as a matter of good practice. Attendance will be a regular item at Governor's meetings.

### **Statutory Framework**

Under Section 444 of the 1996 Education Act, a pupil is required to attend regularly at the school where they are a registered pupil. The Local Authority will use the 1996 Education Act and the Anti-social Behaviour Act 2003 (penalty notices) in order to fulfil its duties in ensuring regular school attendance. Section 23 of the Anti-social behaviour Act gives powers to the Local authority to issue penalty notices where a parent/carer is considered capable of, but unwilling to secure an improvement in their child's school attendance. These powers came into force on 27 February 2004.

The school is obliged by law to differentiate between authorised and unauthorised absence. A letter or telephone message from a parent/carer does not in itself authorise an absence. Only if the school is satisfied as to the validity of the explanation offered by the letter/message will the absence be authorised. A parent/carer may be required to provide evidence to support absences due to illness or other reason.

## Registration

Schools are required to take an attendance register at the start of the morning session and once during the afternoon session. The Education (Pupils' Attendance Records) Registration 1991 and the Education (Pupils Registration) (England) Regulations 2006 stipulate that schools should maintain an attendance register for each class containing the names of all pupils in the class.

Taking the register is a key part of the school day and should be seen as such by all staff, pupils and parents/carers.

School session times vary from school to school. The school session times for this school are a soft start at 08:45 am. The school register is a legal document and may be required as evidence in court. It must be completed fully twice daily. On each occasion schools must record whether every pupil was present, absent, present at approved educational activities or unable to attend due to exceptional circumstances.

Registration will take place at 08:55 am after the start of the session. Parents/carers are expected to ensure their child is in school at least five minutes prior to the start of session time in order that registration can take place and their child does not receive a late mark.

Registration will close at 09:30 am after the start of the session. Once registration has taken place/has closed the following procedures apply: if a pupil arrives late and the register is still open, they should be marked as 'late' but counted as present for that session (**late defined as coming into school via the main door – having missed normal entry into school**)

If a pupil arrives after the close of registration and provides a satisfactory explanation from the parent/carer, they will be marked as authorised absent for that session, eg medical appointment - 'M'.

If a pupil arrives after the close of registration and fails to provide a satisfactory explanation, they will be marked as 'unauthorised absent' – 'U' for that session.

Pupils who arrive late after the school start times, should report first to the main office, where a record will be made of the time the pupil arrives. The register entry will then be amended in accordance with the details above. The school will accurately record the arrival time of each pupil in a late book.

All teachers must take registers in their classroom at the appropriate times and will notify the school office immediately of any absenteeism/late attendance. In the case of a child who is subject to a CP plan or there are CP concerns the office will call to ascertain the whereabouts of the child.

Inspection of the registers will take place regularly by both school assigned staff and the Education Welfare Service to ensure correct procedures are followed, accurate marking of registers and appropriate monitoring of attendance takes place.

Accurate tracking of late arrival to school will take place. Pupils may be expected to make up lost time within school. Parent/carers will always be informed in writing of the school concerns over late arrival and action taken by the school to intervene with parent/carers to ensure the pattern of late attendance does not continue.

Where pupils continue with patterns of unauthorised late attendance despite intervention by the school, a referral will be made to the Education Welfare Service for investigation into the



circumstances of the late attendance. Appropriate sanctions such as penalty notices/prosecutions will be enforced where necessary, after appropriate casework intervention where there has been little or no improvement.

Grounds for deleting registered pupils from school admission registers are detailed in Keeping Pupil Registers – **(Held in Attendance File in Office)**.

### **Authorised/unauthorised absence**

It is vital that all staff within the school adhere to the same criteria when deciding whether or not to authorise an absence. Absences should be recorded in accordance with the Attendance Codes **(Held in Attendance File in Office)** issued by the DfE.

Examples of when absence may be **authorised**:

- The pupil was ill or prevented from attending by any unavoidable cause.
- The absence occurred on a day exclusively set aside for religious observance by the religious body to which the pupil's parent belongs.
- The pupil is the child of Traveller parents and the conditions stated in the Education Act 1966 Section 444(6) are met.
- A holiday in term time where exceptional circumstances are given at the time of application (evidence may be required) and these are accepted.
- The pupil is excluded from school and appropriate information and paperwork have been forwarded to the parent.

**Note:** The absence of pupils taking part in appropriately supervised educational activities outside the school is recorded as 'approved educational activities' as appropriate. This is equivalent to 'present' for performance table purposes.

Schools should not record pupils who are off-site as present unless confirmation has been received of their attendance.

The following activities show when an approved education activity category can be used:

- Field trips and educational visits, in this country and overseas.
- Participation in or attendance at approved sporting activities.
- Interviews with prospective employers or for a place at a further or higher education establishment (year 11 only); or for a place in another school.
- Link courses, whereby pupils attend college for part of the time.
- Pupils receiving part of their tuition off site at another location while remaining under overall supervision of the home school (ie a flexible arrangement short of formal dual registration). This can include tuition of sick children being taught at home but remaining on roll.

Any pupil who does not attend a provision off-site and is not attending school has to be marked as absent in the school register.

## Examples of when absence should be unauthorised

- No explanation is forthcoming within an acceptable time limit (ie 2 weeks).
- The school is dissatisfied with the explanation.
- The parent has been advised that absences will not be authorised without appropriate medical confirmation.
- The pupil stays at home to mind the house or look after siblings.
- The pupil is shopping during school hours.
- The pupil is absent for unexceptional special occasions (eg a birthday).
- The pupil is absent from school for the purpose of an unauthorised holiday.
- The pupil is absent from school due to not returning to school from an authorised holiday at the given date.

Any absence taken without the permission of the Head teacher/Principal will be recorded as unauthorised absence in the school register, which is a **legal document**.

It is for the Head Teacher with support/guidance from the EWO service and **not** the parent to make decision as to whether the absence should be authorised.

It is the parent's responsibility to provide all evidence of absence and bear any costs that this may incur.

## Holidays in Term Time

### What the Law says

Regulations make it clear that parents do not have any right or entitlement to take a child out of school for the purposes of a term-time holiday. The regulations do state that Head teachers may, in certain exceptional circumstances, grant up to 4 school days' leave in a school year for the purposes of an annual family holiday but parents should not expect such leave to be granted as a right. Indeed, it is likely that in most cases Head teachers will refuse to authorise absence. The Government's own guidance on the issue of term-time holidays states: 'Parents should not normally take pupils on holiday in term time'.

If a holiday is taken without the school's permission or if a child fails to return by the agreed date, this should be recorded as unauthorised absence and noted on the child's records. If a child has not returned within 10 days of the expected date of return, then the school may take the child off roll, after consultation with your named Education Welfare Officer.

If a pupil's attendance continues to be an issue, or parents have taken pupils on term time holidays when permission has not been granted, schools can consider a variety of initiatives, one of which may be a Penalty Notice. The Penalty Notice fine is £60 if paid within 28 days or £120 if paid after 28 days but within 42 days. If a Penalty Notice is not paid, there may be a prosecution in Court. These fines are per pupil and will apply to both parents if relevant.

It may be timely to indicate that there are 190 statutory school days a year; so there are 175 other days (weekends and school holidays) available for holidays which would not have a negative effect on a child's education. In allowing 'blanket' permission for term time holiday, some schools may unwittingly be giving unspoken messages undermining the value of education.

## Coding

Schools are required to submit data reflecting pupil level absence codes.

For the purposes of holidays, register regulations state they should be coded as follows:

F – Agreed Extended Family Holiday.

G – Unauthorised Holiday.

H – Holiday.

Further guidance regarding holiday coding, can be obtained from the DfE website.

Accurate coding enables schools to evidence and evaluate absence trends for term time holidays and target interventions, particularly with regard to pupils who become Persistently Absent following a family holiday early in the academic year.

## What this school will do

When deciding whether to authorise a term time holiday, the school will need to consider if there are **special, individual or exceptional** circumstances for the request. There are some obvious considerations:

- Close to or during examinations.
- When valuable group work with other pupils is taking place that cannot be repeated.
- If a child needs help in certain subjects to access all the education support that is offered.
- During the induction period when a child transfers from one school to another and needs to familiarise themselves with the new school environment.
- During the first year in a new school when pupils may experience problems settling in.
- Previous similar requests.
- Overall attendance pattern.

Holidays during term time should be seen as an exception to the norm. So, what are 'exceptional circumstances'?

It will be the decision of the Head teacher as to what might constitute exceptional circumstances and each request for term-time absence will be considered on an individual basis. The Head teacher will not accept as an exceptional circumstance the fact that a holiday is cheaper during term-time.

An exceptional circumstance is much more likely to be a one-off, unique situation such as a parent, grandparent or other close relative is seriously ill and the holiday proposed is likely to be the last such holiday; or there may have been a significant trauma in the family recently and the Head teacher might consider that an immediate holiday might enable the child concerned to better deal with the situation; or the holiday might be a unique, one-off never-to-be-repeated occasion which can only take place at the time requested.

The Head teacher will also look very carefully at the child's previous attendance record and should he or she have concerns, for example, should the child's average attendance be below 95%, it is highly unlikely that the Head teacher will agree to authorise any further absence.

Other factors will include the likely impact on the child's education, particularly in terms of continuity of learning; **there is a strong link between the amount of absence in a school and the qualifications that its pupils achieve**; whether the holiday falls during a year in which the child is due to take a public examination or be involved in Government tests (eg SATs).

### **Procedures for following up absence**

Absences should be explained by parents to the school on the first day of absence prior to 9.30am. Notes, letters and telephone messages should be retained by the school with dates and times if appropriate to ensure evidence is available for recording purposes and any legal intervention taken by the Local Authority's Education Welfare Service. All verbal conversations should be recorded with date, time and names of staff and parents involved for the same reason.

To ensure the safety of children, where parents have not contacted the school prior to 9.30am, the school will operate its first day contact procedures and telephone parents to ascertain the reason for absence. Where there are concerns as to the safety or welfare of a child, the school will endeavour to contact parents via an immediate home visit. This may be done in conjunction with Education Welfare Service, Children's Social Care, Health or the Police where appropriate.

Failure to respond within five days to absence telephone calls, letters or home visits will result in an immediate referral to the Education Welfare Service for investigation.

Where possible, parents should confirm in writing the reason for absence from school.

If a pupil is persistently absent or late after register has closed and the school's efforts to effect an improvement have proved unsuccessful, a referral will be placed with the Education Welfare Service for investigation and legal intervention if necessary. This may include a full prosecution, penalty notice or Education Supervision Order.

Prior to referral to Education Welfare Service, schools will have contacted parents in writing of their concerns and attempted at least one appointment in school with the parents to discuss these concerns. Parents will be advised that the school will no longer authorise absences without appropriate evidence, until there is an acceptable improvement in attendance and that a referral will be made to the Education Welfare Service. Registration certificates will show unauthorised absences when referred to Education Welfare Service – 'O'.

### **Children missing from education or who may otherwise be at risk**

Schools will follow the procedures set out in the Children Missing from Education Policy and Procedures as agreed by the Local Safeguarding Children's Board. It is important that parents/carers inform the school if they move house/area etc, giving full details of any new address and the proposed school. The Education Welfare Service will follow up all pupils who are believed to have left the area. The school and the Education Welfare Service will make 'reasonable' enquiries to locate the pupil. No pupil should be deleted from the school roll until the Education Welfare Service has agreed this.

## **Truancy sweeps**

The Education Welfare Service and the police undertake truancy sweeps a number of times throughout the year and often in conjunction with other services and agencies. Any pupils found during the school day will normally be returned to the school and parents will be notified. Evidence from truancy sweeps may be used in prosecutions.

## **Strategies for promoting attendance**

- The school will offer an environment in which pupils feel valued and welcome. The school's ethos must demonstrate that pupils feel that their presence in school is important, that they will be missed when they are absent/late and that follow up action will always be taken. Early intervention is often the key to preventing more frequent absences.
- A varied and flexible curriculum will be offered to pupils. Every effort is made to ensure that learning tasks match pupil's needs.
- Attendance data will be regularly collected and analysed in order to help identify patterns, set targets, correlate attendance with achievement and support and inform policy/practice.
- Good attendance will be praised appropriately.
- Parents will be reminded regularly (via newsletters, the school brochure, parents' evening, etc) of the importance of good attendance.
- Pupils who are absent through sickness for any extended period of time will (when appropriate) have work sent home to them and will be reintegrated back into school upon their return.
- Pupils who have been absent for whatever reason for an extended period of time will (when appropriate) have individually tailored reintegration programmes prepared for them.
- The Attendance Lead will have regular meetings with the Education Welfare Officer in order to identify and support those pupils who are experiencing attendance difficulties.
- School will regularly analyse their data so that early identification can be made of pupil's absence and especially those who are persistent absentees (or in danger of becoming a persistent absentee – PA). A pupil is considered to be a PA pupil if their attendance falls below 85%.
- Good attendance will be promoted with children through attendance awards made termly and annually to pupils with 100% attendance in assembly and class and those with the greatest improvement in attendance.
- Consider target setting for individual form groups, pupils etc.

## **Attendance Statistics**

All non-Academy schools are required by the Local Authority to submit attendance figures to the Local Authority/Education Welfare Service on a regular basis. Schools will regularly analyse attendance statistics in order to ensure effective strategies are in place to support pupils in raising attainment and attendance.

Where schools feel they have a disproportionate category of students (eg travellers, SEN, ethnic minority groups) and the school feels that this category causes a negative impact on the overall attendance percentage, it is suggested that calculations can be undertaken both including and excluding that category so that the impact can be more clearly seen.

## **Safeguarding**

School attendance is a safeguarding issue – see School Safeguarding and Child Protection Policy. It is therefore vital that all registers must be marked correctly and up to date.

The school Attendance Policy will be reviewed annually in conjunction with the Behaviour, Anti-bullying and SEN policies. The active involvement of Governors, parents/carers and all staff within the school is essential to the review process. Pupils can also make a valuable contribution to policy development.

## **Appendix**

### **These policies and procedures are based on:**

The Education Act 1996

The Children Act 1989 Section 36.

The Education (Pupil Registration) (England) Regulations 2006 as amended.

The Education (School Day and School Year) (England) Regulations 1999

.The Education Acts 2002 and 2005

Crime and Disorder Act 1998.

Criminal Justice Act 2003.

The Children Act 2004.

Guidance on the education-related provisions included in the Anti-social Behaviour Act 2003.

Anti-social Behaviour Act 2003. Sections 19, 20 and 23.

Human Rights Act (HRA).

Race Relations Act Amendment 2000.

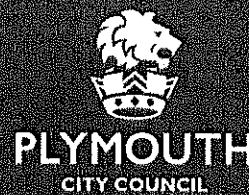
Disability Discrimination Act 1995 and 2005.

Single Equality Act 2010.

The Education Act 1996 Sections 444(1/1A) as amended by the Criminal Justice and Court Service Act.

Dfe Behaviour and Attendance Strategy.

# PENALTY NOTICE CODE OF CONDUCT



## Introduction

Regular and punctual attendance at school is both a legal requirement and essential in ensuring that all children maximise their educational opportunities and future life chances. In addition, there is evidence to suggest that truancy can lead to anti-social behaviour and youth crime. Section 23(1) of the Anti-Social Behaviour Act 2003 and Section 103 of the Education and Inspections Act 2006 introduced powers to Sections 444 of the Education Act 1996 that empowers authorised officers of the Local Authority Headteachers (and Deputy and Assistant Headteachers if authorised by them) and the Police, (including community support officers and accredited persons) to issue Penalty Notices in cases of unauthorised absence from school. Persons authorised to issue Penalty Notices are referred to in this Code of Conduct as 'Authorised Person'.

The Education (Penalty Notices) (England) Regulations 2004 (as amended) require the Local Authority, to consult with governing bodies, headteachers and the Chief Officer of Police to develop a Code of Conduct for use when issuing Penalty Notices. Any person issuing a Penalty Notice must do so within the terms of this Code of Conduct. Penalty Notices can be used as an alternative to prosecution under Section 444 and enable parents to discharge potential liability for conviction for that offence by paying a penalty.

These provisions apply to all parents who fall within the definition of a 'parent' as set out in section 576 of the Education Act 1996. By virtue of this section 'parent' includes: all natural parents, whether they are married or not; any person or body who has parental responsibility for a child (as defined by the Children Act 1989) and any person who, although not a natural parent, has care of a child. Having care of a child means that a person with whom a child lives and who looks after a child, irrespective of what their relationship is with that child.

**The Inclusion, Attendance and Welfare Service will act as the School's agent in carrying out the duties of the Authorised Person as detailed within this Code of Conduct for all Plymouth Schools who subscribe to the enhanced Inclusion, Attendance and Welfare Service.**



## **The Penalty**

The Penalty Notice is £60 if paid within 21 days of receipt of the Notice, rising to £120 if paid after 21 days but within 28 days of receipt of the Notice, (Notice served by post is deemed to have been received on the second day after posting if it was delivered by first class post).

If the penalty is not paid in full by the end of the 28-day period, the LA must either prosecute for the offence to which the Notice applies or withdraw the Notice.

**NOTE:** Unlike other Penalty Notice schemes, the prosecution would not be for non-payment of the Notice. If there is a prosecution, it would follow the usual Inclusion Attendance and Welfare Service legal procedures for prosecution under section 444 of the Education Act 1996 and section 103 of the Education and Inspections Act 2006.

The parent cannot be prosecuted for the particular offence for which the Notice was issued until after the deadline for payment has passed (28 days) and cannot be convicted of the that offence if they pay the penalty in accordance with the Notice.

If a penalty is not paid, the LA may use the fact that a Notice was issued and unpaid as evidence in a subsequent prosecution. The Penalty Notice Request Form submitted by either the Headteacher/Principal or Inclusion, Attendance and Welfare Service if submitted with a certified record of attendance will serve as an accurate record of the unauthorised absence and will be submitted as evidence to support the prosecution.

## **When is it appropriate to issue a Penalty Notice?**

'The Key consideration in deciding whether to issue a Penalty Notice will be whether it can be effective in helping the pupil who is truanting back into school' (DFE).

A Penalty Notice is a suitable intervention in circumstances such as:

1. In the early stages of casework where the Authorised Person might form an opinion that the issuing of a Penalty Notice is appropriate e.g. where a parent has continually failed to engage with or respond to the schools attempts to contact them or the parent continually fails to provide an explanation for a pupil's absence in accordance with the school's procedures.
2. Persistent late arrival at school (i.e. after the registration period has closed).

3. In cases of absence when the pupil has been taken on holiday during term time and the absence has not been authorised by the school or excessive delayed return from extended holidays without prior school agreement.
4. Following a Truancy Sweep when the facts have been established i.e. the school register has recorded the absence as unauthorised and there is a history of poor attendance. Due to the possible health and safety risk, Penalty Notices will not be issued during Truancy Sweeps. In addition, not all the relevant evidence will be available to prove the offence at that time.
5. Following a referral from Devon and Cornwall Constabulary in line with point 4 above.
6. A parent/carer of an excluded child may be committing an offence and could receive a Penalty Notice if the child is found in a public place during normal school hours within the first five days of fixed-term or permanent exclusion. Parents and carers must be notified of this in the school's exclusion letter.

In all the cases listed above, a Penalty Notice will only be issued to the parent(s) if the pupil has had at least **eight unauthorised absences** recorded against their name within a **six month period**.

A parent shall not be issued with more than three Penalty Notices resulting from the unauthorised absence of an individual child within a twelve-month period.

### **Unauthorised Holidays in Term Time**

Amendments to The Education (Pupil Registration) (England) Regulations 2006 remove references to family holiday and extended leave as well as the statutory threshold of ten school days. The amendments make clear that Headteachers may not grant any leave of absence during term time unless there are exceptional circumstances. Headteachers will determine the number of school days a child can be away from school if leave is granted.

The Authorised Person can request a Notice to be issued for unauthorised absence of a minimum of eight sessions (four school days) if they can provide evidence that the parent took their child on holiday knowing that it would be unauthorised and that they were advised, in writing, they could receive a Notice. In cases of absence where no application for leave in exceptional circumstance has been received, but it can be proved that the absence was due to holiday, the Authorised Person has the discretion to request the Inclusion, Attendance and Welfare Service to issue a

Penalty Notice without first formally warning the parent. However, it would be for the Authorised Person to provide the evidence that the absence was due to a holiday.

Schools should make parents aware of the following:

1. That holidays in term time are not an entitlement.
2. That requests for absence during term time will only be granted in exceptional circumstances
3. Parents will be expected to provide supporting evidence of the exceptional circumstances.
4. That they could receive a Penalty Notice if they take their child out of school for a holiday without authorisation.

A parent issued with a Penalty Notice for an unauthorised holiday during term time, who then takes their child on further unauthorised holiday(s) within a 12 month period will be considered by the Inclusion, Attendance and Welfare Service for prosecution under Section 444 of the Education Act 1996.

#### **Procedure for issuing Penalty Notices not relating to an unauthorised holiday**

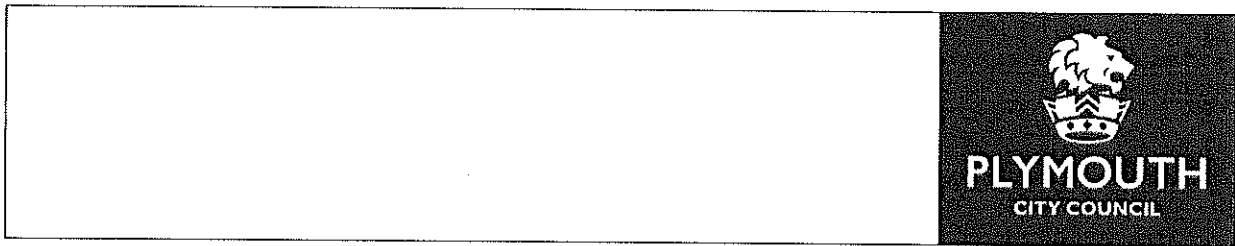
The Inclusion, Attendance and Welfare Service will issue Penalty Notices in Plymouth. This will ensure consistent and equitable delivery and will retain home-school relationships. It will also ensure that other strategies or legal processes are not jeopardised and that duplicate Notices are not issued. The Service will ensure that the issuing of the Notices is closely monitored.

These procedures apply to the parent/carers of children of compulsory school age who are registered at a school.

As with prosecutions under section 444, a Penalty Notice may be issued to **each** parent liable for the offence.

The Inclusion Attendance and Welfare Service will respond to requests for Penalty Notices within 10 school days of receipt of a Penalty Notice Request form. However, before issuing a Penalty Notice, it is essential that the following criteria are met:

1. All the relevant information is supplied in the specified manner.
2. The circumstances of the pupil's absence meet all the requirements of the Code of Conduct.



3. The issuing of a Penalty Notice must not conflict with other intervention strategies in place or legal procedures that are already being processed.

The above criteria will be investigated by the Inclusion, Attendance and Welfare Service.

Whenever there is a possibility that a case could result in a Penalty Notice or prosecution, it is good practice to make sure that the parent is aware of and understands the consequences of failing to ensure their child's regular attendance. Therefore, when all the elements of the Code of Conduct have been met, the Authorised Person will send the parent a warning letter. This will enable the parent to make representations if they wish.

The warning letter will inform the parent of the unauthorised absences for which the Penalty Notice could be issued and advise them that a period of 15 school days will be given to allow them the opportunity to improve the situation. The letter will also include an information leaflet explaining Penalty Notices.

If there is no improvement in the situation after the 15 days have elapsed, a request for a Penalty Notice should be made by the Authorised Person to the Inclusion, Attendance and Welfare Service and the parent(s) should be issued with the Penalty Notice without further delay or notification. Any unauthorised absence within the 15-day period should be evidenced by a certified record of attendance and submitted to the Inclusion, Attendance and Welfare Service without delay.

A Penalty Notice warning letter must contain reference to the fact that any subsequent unauthorised absences following the review period could also result in a Penalty Notice without further warning. It will be for the Authorised Person to make the decision to request a Notice for subsequent unauthorised absences, this will involve consideration of how soon after the review period the absences occurred.

### **Serving Notice**

A Notice may be served by:

1. giving it to the recipient
2. leaving at the recipient's usual or last known address
3. sending it to the recipient at that address by first class post

Serving a Notice by post shall be deemed to have been effected, unless the contrary is proved, on the second working day after posting the Notice by first class post.

### **Penalty Notices issued to parents of excluded children**

Section 103 of the Education and Inspections Act 2006 places a duty on parents in relation to an excluded pupil. A parent has to ensure that his or her child is not present in a public place during school hours without reasonable justification during the first five days of each and every fixed period or permanent exclusion

School hours mean a school session or a break between sessions on the same school day. A public place means any highway or any place to which the public have access. A school is not a public place for this purpose.

The days of exclusion when this duty applies are known as 'specified days of exclusion' and will be detailed in a Notice given to the parent under section 104 of the 2006 Act. The parent is responsible for the child during the specified days upon receipt of the Notice.

Sections 100 and 101 of the Education and Inspections Act 2006 place a duty on the school or local Authority to make provision for the excluded child's full-time education from the sixth day of a fixed period exclusion in a school year and from the sixth day of a permanent exclusion. Once provision is made, the parent's duty to ensure that their child is not in a public place becomes a duty to ensure the child attends the provision i.e. the duty under sections 444(1) and 444(1a) of the Education Act 1996.

Section 105 of the Education and Inspections Act 2006 allows for a Penalty Notice to be issued to a parent committing an offence under section 103 (failing to ensure that their child is not in a public place on the days specified on the Notice given to them). The Notice allows the parent to pay a penalty as a way of discharging any liability for the offence. The parent must be notified by the school at the time of the exclusion of their duty and the days to which it relates.

Once a Penalty Notice has been issued, the parent cannot be prosecuted for the offence to which it relates until the final deadline for payment has passed (28 days after receipt of the Notice) and cannot be convicted of that offence if the penalty is paid in full.

If the penalty is not paid in full by the end of the 28-day period, the Local Authority must prosecute for the section 103 offence and not the non-payment of the penalty.

Although Authorised Persons are empowered to issue Penalty Notices, the offence under section 103 of the Act allows the excluded pupil's presence in a public place where there is reasonable justification for him being there. As such, there needs to be an investigation of evidence before a Notice is issued. It is not intended that Penalty Notices are issued as an 'on the spot' remedy, apart from in exceptional circumstances, schools should, in the first instance, report suspected breaches of section 103 to the Inclusion Attendance and Welfare Service so that appropriate steps can be taken.

The question of reasonableness is ultimately one for the courts to decide and will be decided on an individual case to case basis. However, there may be time when it is necessary for an excluded pupil to be in a public place e.g. on his or her way to a medical or dental appointment.

Consideration must be given to possible justification for the presence. Attempts should be made to speak to the child or the parents for an explanation. Where the child is unaccompanied by an adult or other responsible adult or is with his or her peers and is perceived to be 'hanging around,' it is more likely that an offence is being committed. It should also not be assumed that an excluded child accompanied by the parent is not in breach of section 103. Each case must be looked at on its own merits. To be justified there must be an element of unavoidable presence. It is for the parent to prove reasonable justification. A justification which is capable of being reasonable will depend on the facts supported by credible evidence. It is unlikely that any justification would be held to be reasonable unless it stood up on facts. Where there is doubt, the Inclusion Attendance and Welfare Service will seek legal advice.

It is common for excluded pupils to come to the school to meet friends. School premises are not themselves public places. An excluded pupil seen loitering in the vicinity of a school will almost certainly not have justification for being there.

Consideration should be given to the number of times an excluded child can be apprehended, the parents' action or inaction, the justification put forward and the parents' overall attitude towards their responsibilities.

### **Withdrawing Penalty Notices**

There is no statutory right of appeal against the issuing of a Penalty Notice. Penalty Notices may only be withdrawn for the following reasons:

- I. Where it ought not to have been issued i.e. where it has been issued outside the LA's Code of Conduct or where no offence has been committed.

2. Where it has been issued to the wrong person.
3. Where the Notice was materially defective.

Where a Penalty Notice has been withdrawn, a Notice of the withdrawal shall be given to the recipient and any amount paid will be refunded. No proceedings shall be continued or instigated against the recipient for the offence for which the withdrawn Notice was issued.

**Payment of Penalty Notices:**

Each penalty notice will included details of the dates by which the penalty must be paid and the payment methods available.

**Payment must be made if full. Part payments will not be accepted in any circumstance. Services and agencies are respectfully requested not to contact the local authority on behalf of clients to request deferred payments or payment plan.**

**Further information can be obtained from the Inclusion and Attendance Manager or Senior Practitioner – Inclusion and Attendance on 01752 668000.**

# AMENDMENTS TO THE EDUCATION (PUPIL REGISTRATION) (ENGLAND) REGULATIONS 2006



The Government have changed their policy regarding school attendance and existing legal regulations, which come into force from September 2013. This means that term time holiday is removed from the regulations. **Head Teachers are no longer allowed to authorise absence from school unless it is due to exceptional circumstances.** The Absence Request form (S2) should be completed by parents/carers when requesting term time absence from school for their child, regardless of whether the absence is for a holiday, or any other reason. Also, all requests for absence should be evidenced based, e.g. medical appointment cards, letters from employers etc. **It is extremely important all schools are consistent, when authorising/refusing absence during term time.** The following is a guide as to what could/could not be exceptional circumstances for approving a child's absence from school:

## Exceptional circumstances:

- A specified, limited period may be granted when a family needs to spend time together because of an immediate family member's bereavement, crisis or serious illness.
- Funeral of immediate family member
- Religious observance
- Transport was not provided by the LA when it should have been
- Children of service personnel about to go on deployment (permission would be considered as long as the request is accompanied by a letter from the Commanding Officer)
- **One day** of absence could be authorised for a wedding of an immediate family member and the invitation has been provided as evidence
- One off sporting events/performing arts competitions, if the child is participating and is at county standard or above and a letter has been provided from the performing arts/sports regional governing body as evidence
- **One day** of absence could be authorised for an immediate family members graduation ceremony/passing out parade
- Medical appointments (parents/carers should be encouraged to arrange non-urgent medical appointments outside of school hours when possible. If the medical appointment is during the school day, **evidence must be provided.** Schools should not authorise a whole days absence for a medical appointment that occurs in the morning – the child would be expected to return to school in the afternoon, and vice versa.

## Absence should not be authorised for reasons such as the following:

- To care for other family members
- Birthdays
- To interpret for other family members
- No school uniform/shoes
- Bullying
- Friendship problems
- Head lice
- Learning difficulties
- Family holiday
- Weddings abroad – regardless of whether it is for immediate family members



- Family Anniversaries
- Death of a pet
- Travel problems
- School refusal

This list provides examples and is not exhaustive.

*(The **immediate family** is a defined group of relations, used in rules or laws to determine which members of a person's family are affected by those rules. It normally includes a person's parents, spouses, siblings and children. It can contain others connected by birth, adoption, marriage, civil partnership, or cohabitation, such as grandparents, grandchildren, siblings-in-law, half-siblings, adopted children and step-parents/step-children, and cohabiting partners)*

#### **Absence codes:**

- B** – Educated off site (approved education activity)
- C** – Other authorised circumstances (authorised absence)
- D** – Dual registration (pupil attending another educational establishment)
- E** – Excluded (authorised absence)
- F** – Extended family holiday agreed (authorised absence)
- G** – Family holiday not agreed (unauthorised absence)
- H** – Family holiday agreed (authorised absence)
- I** – Illness (Not medical/dental appointments) (authorised absence)
- J** – Interview (approved educational activity)
- M** – Medical appointment (authorised absence)
- N** – No reason provided yet for absence (unauthorised absence)
- O** – Unauthorised absence (not covered by any other code)
- P** – Approved sporting activity (approved education activity)
- R** – Religious observance (authorised absence)
- S** – Study leave (authorised absence)
- T** – Traveller absence (authorised absence)
- U** – Late after registers close (unauthorised absence)
- V** – Educational visit or trip (approved educational activity)
- W** – Work experience (approved education activity)
- X** – Non-compulsory school age absence
- Y** – Enforced school closure
- Z** – Student not yet on roll
- #** – School closed to students



**Learning and Communities  
Attendance, Inclusion & Welfare  
Service**

Plymouth City Council  
Civic Centre  
Plymouth PL1 2AA

T 01752 307405

F

E [childrens/services@plymouth.gov.uk](mailto:childrens/services@plymouth.gov.uk)  
[www.plymouth.gov.uk](http://www.plymouth.gov.uk)

Please ask for: Isabelle Morgan

Date 14.09.15

Our Ref

Your Ref

Dear Parent/Carer

**RE: CHANGES RELATING TO SCHOOL ATTENDANCE**

As of 1<sup>st</sup> September 2013 Head Teachers have been unable to authorise any requests for absence relating to holidays in term time. This was brought about by an amendment to the Education (Pupil Registration) (England) Regulations 2006, which removed reference to holidays and the ten day period. The amendments made it clear that Head Teachers may not grant leave of absence during term time unless there are exceptional circumstances.

It has been really pleasing to see that overall absence across schools in Plymouth has continued to fall. However, absence as a result of holidays taken during term times remains an issue.

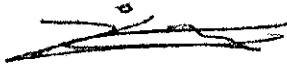
Plymouth City Council has updated the Local Code of Conduct for issuing Penalty Notices. Effective from 14<sup>th</sup> September 2015, all parent/carers should be aware that if absence of 8 sessions (4 days) or more is taken without authorisation within a 6 month period, it is the policy across all schools that a penalty notice will be issued. The parent/carers will be fined £60 per pupil per parent, and if this is not paid within 21 days the fine will increase to £120 per pupil per parent. Please be aware the 8 unauthorised absences do not have to be consecutive, in addition the new limit of 8 unauthorised sessions applies to general non-school attendance and holidays during term time.

In the event of non-payment, the Local Authority has no choice but to instigate Court proceedings for "failing to ensure the regular attendance at school for the period of the absence". This is something that the Local Authority would prefer to avoid as it results in much greater financial penalties being issued by the Court and parents receiving criminal records.

If a school has reason to believe an absence of 8 sessions or more is the result of a holiday being taken without a formal request or permission and they have sufficient evidence to prove this is the case, a request for a penalty notice will be made. It will be the parent/carers responsibility to prove that the absence should have been authorised. Where absences are less than 8 sessions a warning may be issued by the Inclusion, Attendance and Welfare Service.

We hope you will support your child's education and school by ensuring that your son/daughter obtains the maximum benefit from their time at school by attending punctually for the 190 days each year that the law requires and that holidays are taken during the 165 days your child is not required to attend school. If you have any questions about the content of this letter then please contact your child's school or the Inclusion, Attendance and Welfare Service on 01752 307405.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Isabelle Morgan', with a horizontal line drawn underneath it.

**Isabelle Morgan**  
**Inclusion and Attendance Manager**  
**Learning and Communities**