

# WHINSTONE PRIMARY SCHOOL ATTENDANCE POLICY



*Revised: September 2019*  
*Effective date: 2<sup>nd</sup> September 2019.*

## Whinstone Primary School Attendance Policy

### **1) Policy Aims**

This policy aims to safeguard children by ensuring that they attend school regularly and when they do not attend, school is aware of the reason for absence. By law parents/carers are required to ensure that their children of compulsory school age, who are registered at school attend regularly. **Absence should only occur when a child is unfit to learn or has a day of religious observance.**

Within this policy we will refer to parent/ carer. By this we mean:

- any person who is a natural parent of the child, whether they are married or not,
- any person who has parental responsibility for the child,
- any person who has care of the child i.e. they live with and look after the child on a day to day basis.

As a Rights Respecting School the UN Convention Rights of the Child are fundamental to our effective practice. Implementation of this policy supports Article 28: *Every child has the right to an education. Primary education must be free and different forms of secondary education must be available to every child. Discipline in schools must respect children's dignity and their rights. Richer countries must help poorer countries achieve this.*

Children are expected to attend school for the full academic year, unless there is a valid reason for absence. There are two types of absence:

- Authorised (Where the school approves the child's absence)
- Unauthorised (Where the school does not approve the child's absence)

### **2) Absence Due to Illness**

If a child is absent due to illness, parents/carers should contact the school on **each day** of the absence stating a reason for the absence. The school has a 24-hour answerphone which parents/ carers can use at anytime to inform the school of the reason for absence. Based on this information the school will then decide whether to authorise the absence. If authorisation were to be refused parents would be informed.

If parents/carers do not contact the school to explain the child's absence by 9:30am then the school will telephone parents/carers (see First Day Response below). The absence will be recorded as unauthorised until such time the school has obtained from parents/ carers information to warrant authorisation. Please note the school reserves the right to unauthorise the absence of a child even when a parent/carer has offered an explanation. In order to authorise the absence, the school must be satisfied that the absence is valid.

When attendance falls below 90% all further absence due to illness will be treated as unauthorised unless supported by medical evidence such as an appointment card or copy of prescription.

### **3) First Day Response**

If a child is absent from school and the school has not yet received a phone call or other message from the parent/carer, a first day absence call will be made. The school will:

- Telephone parents' contact numbers(s).
- Telephone other emergency contact number e.g. Grandparents
- Repeat this during the first morning of absence if no response.
- School administrator and/or Senior member of staff to speak to the parents/carers at home time, if they are in school to pick up other children
- Speak to the parent/carer face to face or by phone the next day and establish reasons for absence and update contact numbers if required.
- Record all efforts to contact the parent/ carer on the school's electronic registration system.

The parent/carer will be asked to provide a reason as to why the child is not in school. In the unlikely event that no response is received the school may decide that a home visit will be carried out in an effort to establish the reason for absence and to assure themselves of the child's safety.

It is very important that parents/ carers remain in close and good communication with the school in the event of any length of absence. Failure to do so will mean the absence is recorded as unauthorised and the child referred to the Local Authority as a *Child Missing Education*.

The school will follow Children Missing Education procedures as set out in local area guidance. Should all efforts to locate the child and establish a reason for absence fail the school will refer the matter to the Local Authority Attendance Team for further investigation. In certain circumstances this can result in the child's name being removed from the school roll and them losing their place at the school.

#### **4) Medical and Dental Appointments**

Parents/Carers are requested to make any medical appointments outside of school hours wherever possible. If appointments are allocated during school hours, evidence should be provided – this could include an appointment card or letter from the hospital. **If evidence is not provided the absence will be classed as unauthorised.**

#### **5) Lateness and Punctuality**

Poor punctuality is to be avoided. If your child is late to school, this can result in them missing work and vital inputs at the start of lessons. Pupils who arrive late also disrupt lessons and this can be embarrassing for the child.

School is open each morning from 8.00am for Breakfast Club and the school doors are open at 8.50am for other pupils. We expect children to arrive in their classrooms between 8.50am and 9am. Ten minutes is allocated for registration purposes. Children arriving to school during this time but after the start of the school day will receive an L code late mark in their register. Children arriving after the close of the registers at 9.10am will receive a U code in the register for the session. This code gives an unauthorised absence for the session but records the child for health and safety purposes as being in the school building.

**Ten or more sessions of unauthorised absence within a six-week period will lead to school attendance procedures being initiated which may include the school making a referral to the Local Authority Attendance Team for a penalty notice warning letter to be issued (appendix 13). Following a period of monitoring and if attendance does not improve following the warning letter a fixed penalty notice letter will be issued.**

#### **6) Leave of Absence during Term Time**

A pupil's absence during term time can seriously disrupt their learning. Not only do they miss the teaching provided on the days they are absent, they are also less prepared for the subsequent lessons on their return to school. There is a consequent risk of underachievement, which the school and parents/carers must seek to avoid.

The Department for Education have made amendments to regulations regarding school attendance. From 1<sup>st</sup> September 2013 regulations specify that headteachers may not grant any leave of absence to pupils during term time unless there are exceptional circumstances.

**Requests** for a leave of absence should be made in writing to the Headteacher using the appropriate request form (Appendix 1) stating the reason for and the length of the absence request.

Submission of the request does not guarantee authorisation.

We aim to provide parents/carers with a written response to applications for leave of absence within 10 working days. We strongly advise that parents/carers do not make holiday bookings

or other arrangement until after the school has responded to the request for leave of absence.

At Vision Academy Learning Trust, we define exceptional circumstances as a once in a lifetime event which is critical to the child to attend.

Examples of circumstances **NOT** considered as exceptional include:

- Holidays taken in term time due to parental work commitments or costs
- Holidays for the purpose of visiting a sick relative, excepting where the person is seriously ill (medical evidence may be required) and alternative arrangements to look after the child cannot be reasonably made
- Pilgrimages by parents

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

Following receipt of a written request for leave in term time the Headteacher will then make a decision, on whether the leave can be lawfully authorised and will do so only if there is genuine, exceptional and urgent reasons for a child to be absent during term time.

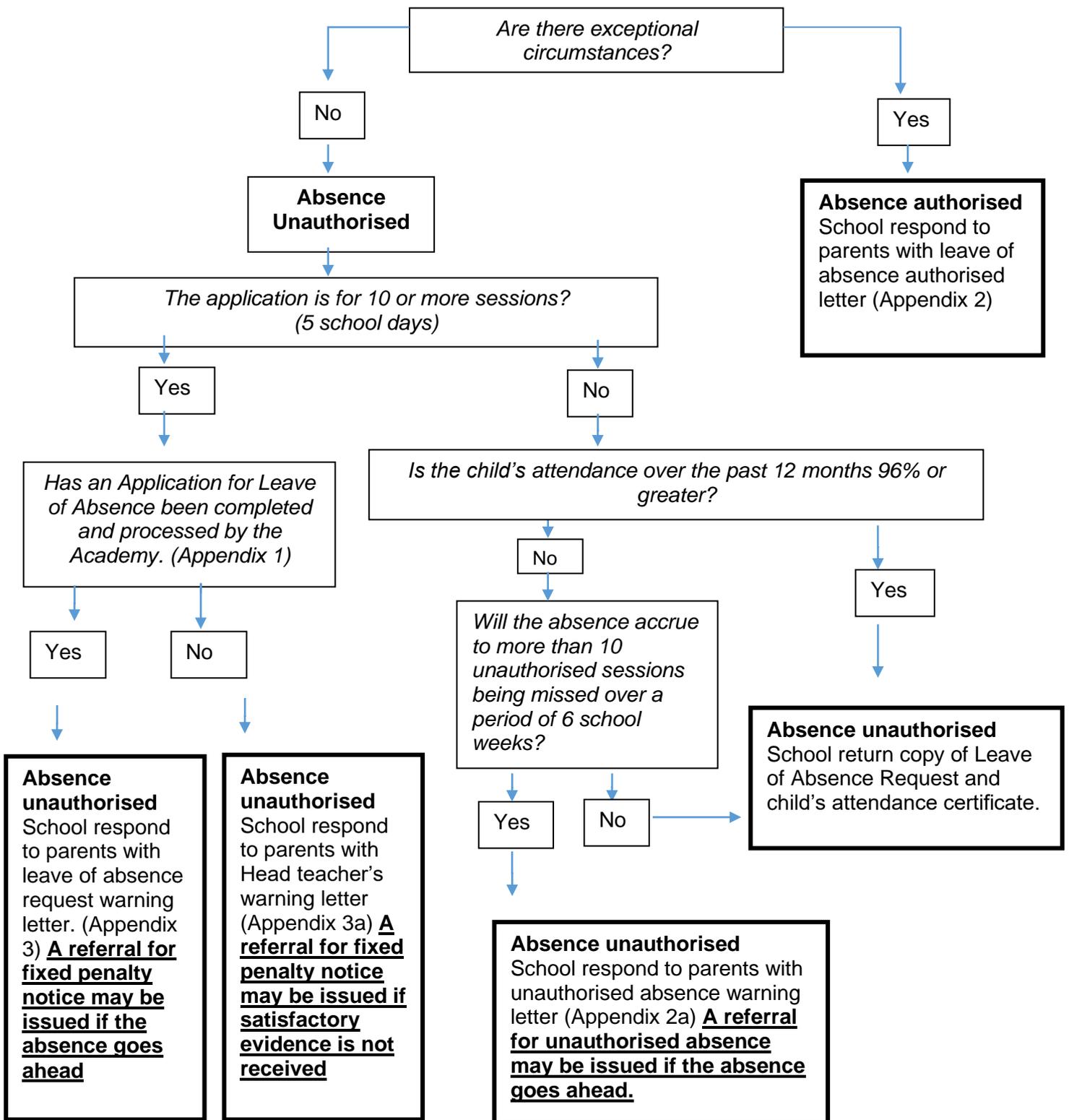
**Every application is considered individually and line with the exceptional circumstances criteria however it is very likely that your application for a holiday in term time will be unauthorised. This can lead to a request by the school for Local Authority intervention. A warning letter and subsequent Penalty Notice may be issued to you if you choose to take unauthorised leave during term time.**

## **7) Dealing with Absence Requests**

Requested absence may be:

- Authorised
- Unauthorised (no fixed penalty referral)
- Unauthorised (fixed penalty referral)

**Flowchart Demonstrating the Procedure for Dealing with Leave of Absence Requests.**



The school will respond in writing to leave of absence requests to all adults with parental responsibility for the child(ren) named in the request. We aim to provide written responses to requests within 10 working days.

## **8) Persistent Absence and school attendance procedures**

A pupil is defined as persistently absent if their attendance is 90% or below **for any reason**. This therefore includes both authorised and unauthorised absence. School monitors attendance on a regular basis and is supported through register checks from the Local Authority Attendance Officer.

When attendance falls below 90% all further absence due to illness will be treated as unauthorised unless supported by medical evidence such as an appointment card or copy of prescription.

The school expects an overall attendance rate of at least 96%. The school will inform parents/carers on a termly basis of their child's attendance rate at the schools discretion.

### **100- 96% – excellent attendance**

If attendance is on target and between 100-96% this may be recognised with a congratulatory letter (appendix 5).

### **95- 93% - attendance may be monitored**

Should attendance be between 95% and 90% a letter informing parents that attendance will be closely monitored may be issued at the schools discretion (appendix 6, for non-statutory school age use appendix 4).

### **92%- 90% -when attendance is a cause for concern**

When attendance falls below 92% parents will be given a formal warning letter that the attendance level is not acceptable, and should it not improve the next stage of school level intervention will be initiated (appendix 7).

### **Below 90% - attendance is a serious concern**

The next stage of school attendance procedures is an Attendance Panel. Parents/carers will be formally invited to attend this meeting to discuss their child's attendance (appendix 8). The panel meetings will be chaired by a senior member of school staff supported by staff with responsibility for attendance and a School Governor. The meetings are designed to offer support and advice to help raise attendance.

The above measures should improve attendance, if attendance is increased in the term following persistent absence, parents will be informed by letter (appendix 9).

If attendance does not improve following the panel meeting school will consider further action including the involvement of the Local Authority Attendance Team. If parents do not attend the panel meeting, they will be informed of the attendance plan and sent appendix 10.

## **9) Involvement of the Local Authority Attendance Team**

The school works in partnership with a number of agencies to support parents/ carers and children at our school. We know that from time to time parents/ carers and children need some extra support and where we are aware of this we will always do our best to help. Where attendance concerns have not been able to be resolved through the intervention and support of the school we may decide that it is necessary to involve our Attendance Officer.

The Local Authority can issue penalty notice fines in certain circumstances, they can also commence attendance procedures in line with legal guidelines. As part of this intervention the Attendance Officer may write to parents/carers and carry out home visits to discuss matters. Parents/carers may also be invited to attend a formal meeting to discuss attendance called an Attendance Case Conference.

The Local Authority can issue a Penalty Notice for several different criteria:

- In cases of unauthorised leave of absence for the purpose of a family holiday for at least 10 school sessions (5 school days)
- In cases of parents condoning absence identified through a truancy patrol

- A minimum absence of 10 sessions (5 school days) which are classed as unauthorised during a period of 6 school weeks. This included unauthorised absence due to late arrival to school after the close of the registers (please see lateness and punctuality section 5)

Penalty notices will be issued by the Local Authority working in partnership with the school. Penalty notices will not be issued without fair notice, good reason and evidence taken from the school registers.

To be read alongside Stockton on Tees, Penalty Notice Procedures for Attendance and Exclusion, June 2017 (Appendix 13).



**REQUEST FOR LEAVE OF ABSENCE**  
**DURING TERM TIME (exceptional circumstances only)**

**Education (Pupil Registration) (England) Regulations 2006**  
**Education (Pupil Registration) (England) (Amendment) Regulations 2013**

The 2013 amendments to the 2006 regulations make it clear that Head Teachers may not grant any leave of absence during term time unless there are **exceptional circumstances** and that Headteachers should determine the number of school days a child can be away from school if the leave is granted.

<b>Name of Pupil</b>	
<b>Date of Birth</b>	
<b>Class/Year/Teacher</b>	
<b>Address</b>	
<b>Name of parent/carer(s)</b>	
<b>Sibling Details (including school attending)</b>	

<b>I request permission for my child to be absent from school between:</b>	
<b>First Day of Absence</b>	
<b>Date of Return to school</b>	
<b>Total School Days</b>	
Please fully explain the <b>exceptional</b> circumstances that you would like the Head Teacher to consider (continue on a separate sheet if necessary)	

**Declaration**

**I have read and understood the information about leave of absence during term time, unauthorised absence, and Penalty Notices. I am aware of the possible consequences should my child take leave of absence without the prior authorisation of the Head Teacher.**

**Parent/Carer Name:** ..... **Date:** .....

**Parent/Carer Relation to Child:** .....

**Parent/Carer Signature:** .....

# Important Information for Parents

Parents are required under the Education Act (1996) to ensure their child attends school regularly. There is no automatic right to take a child out of school during term time but the law allows Headteachers to consider individual requests to authorise a leave of absence in exceptional circumstances.

The Headteacher must be satisfied that the exceptional circumstances justify an authorised absence and it is entirely the responsibility of the parent submitting the request to provide sufficient information and evidence in order to establish this fact.

The request for an authorised leave of absence must be made in advance and the Headteacher may invite the parent into school to discuss the request before a decision is made.

If the circumstances relating to this request are considered exceptional and the absence is authorised by the Headteacher, the expectation is that the child's attendance will be of a satisfactory level both prior to and after the date covered by the request.

If the request for leave of absence is refused and the absence is recorded as unauthorised, the matter may be referred to the Local Authority and a Penalty Notice may be issued against you.

A Penalty Notice is £60 if paid within 21 days of receipt, rising to £120 if the notice is paid after 21 days but within 28 days. If the penalty is not paid in full by the end of the 28 days period the Local Authority may prosecute for the offence to which the notice applies.

Where there is more than one child, each parent may be issued with a Penalty Notice in respect of each child.

**Please note, if you have previously received a penalty notice the Local Authority may decide to investigate legal proceedings and summons you to appear in court.**

As a parent/carer you can demonstrate your commitment to your child's education by not allowing your child to miss school for anything other than an exceptional and unavoidable reason. Research suggests that children who are taken out of school may never catch up on the learning they have missed, which may ultimately affect exam and test results.

<i>For office use only</i>		
<i>Current attendance rate:</i>	<i>%</i>	<i>10 sessions unauthorised in last 6 weeks? Yes/No</i>
Leave authorised due to exceptional circumstances	Leave not authorised No fixed Penalty Notice Referral	Referral for Fixed Penalty Notice

Date

Dear

**Education Act 1996 – School Attendance**

I note your request to take your child, [insert name of child], out of school for a leave of absence during term time during the dates.....to .....

The Education (Pupil Registration) (England) (Amendment) Regulations 2013 states that Head teachers may not grant any leave of absence during term time unless;

- an application has been made in advance to the head teacher by a parent with whom the pupil normally lives with; and
- the proprietor (Head teacher) or person authorised by the Head teacher considers that leave of absence should be granted due to the **exceptional circumstances** relating to that application

After carefully considering your application I have decided **to authorise** your request for a leave of absence as I am satisfied that the exceptional circumstances criteria has been met.

Yours sincerely

Headteacher

Date

Dear

**Education Act 1996 – School Attendance**

I note your request to take your child, [insert name of child], out of school for a leave of absence during term time during the dates.....to .....

The Education (Pupil Registration) (England) (Amendment) Regulations 2013 states that Head teachers may not grant any leave of absence during term time unless;

- an application has been made in advance to the head teacher by a parent with whom the pupil normally lives with; and
- the proprietor (Head teacher) or person authorised by the Head teacher considers that leave of absence should be granted due to the **exceptional circumstances** relating to that application

Your application does not meet the criteria for **exceptional circumstances** and any leave taken will be **unauthorised**.

This unauthorised leave will accumulate \_\_\_\_\_ sessions of unauthorised leave over six school weeks and will trigger a referral to the Local Authority Attendance Service. This may result in the issue of a Fixed Penalty Notice. The Local Authority Attendance Service will contact you in due course.

Yours sincerely

Headteacher

## Warning Letter – Unauthorised Holiday in term time

Date

Dear (Parents full name)

### Education Act 1996 – School Attendance

I note your request to take your child (insert name of child), (DOB.....) out of school for a holiday during term time during the dates.....to .....

The Education (Pupil Registration) (England) (Amendment) Regulations 2013 states that Head teachers may not grant any leave of absence during term time unless;

- an application has been made in advance to the head teacher by a parent with whom the pupil normally lives with; and
- the proprietor (head teacher) or person authorised by the head teacher considers that leave of absence should be granted due to the **exceptional circumstances** relating to that application.

After carefully considering your application I have decided **not to authorise** your request for holiday leave as I am not satisfied that the exceptional circumstances criteria has been met.

[Child's name] is expected in school during these dates and any absence will be considered unauthorised absence unless medical evidence is provided to detail otherwise.

I must warn you that failure to ensure your child's attendance is an offence under Section 444 of the Education Act 1996.

If the reasons given for your child's absence from school are not satisfactory then the Local Authority may take legal proceedings against you for your failure to comply with the law. This may result in:

- A Penalty Notice requiring the payment of a penalty of up to **£120**, failure to pay the penalty due will result in prosecution before Cleveland Magistrates Court.
- Prosecution under Section 444 (1) Education Act 1996, where if convicted you may be fined up to **£1,000**.
- Prosecution under Section 444 (1a) Education Act 1996 where if convicted you may be fined up to **£2,500 and/or 3 months imprisonment**.

I ask that you work with the school to ensure that your child attends school every day.

Yours sincerely,

Headteacher

Parents address

Address1

Address2

Address3

Postcode

Appendix 3a

Date

Dear (Parents full name)

### **Education Act 1996 – School Attendance**

I believe you have taken (insert name of child), (DOB....) out of school for the purpose of a holiday without making a request to the head teacher. Leave of absence in term time requests must be submitted to the head teacher prior to the leave of absence commencing to consider if the exceptional circumstances criteria is met.

The Education (Pupil Registration) (England) (Amendment) Regulations 2013 states that Head teachers may not grant any leave of absence during term time unless;

- an application has been made in advance to the head teacher by a parent with whom the pupil normally lives with; and
- the proprietor (Head teacher) or person authorised by the Head teacher considers that leave of absence should be granted due to the **exceptional** circumstances relating to that application

I must warn you that failure to ensure your child's attendance is an offence under Section 444 of the Education Act 1996.

If you do not provide me with medical evidence or any other evidence within 10 days from the date of this letter for the absences (from..... to.....), I will unauthorise this period of absence and make a penalty notice referral request to the local authority.

This may result in:

- A Penalty Notice requiring the payment of a penalty of up to **£120**, failure to pay the penalty due will result in prosecution before Teesside Magistrates Court.
- Prosecution under Section 444 (1) Education Act 1996, where if convicted you may be fined up to **£1,000**.
- Prosecution under Section 444 (1a) Education Act 1996 where if convicted you may be fined up to **£2,500 and/or 3 months imprisonment**.

I ask that you work with the school to ensure that your child attends school every day.

Yours sincerely

Head teacher

Parents address

Address1

Address2

Address3

Postcode

Date

Dear [insert parent/carer name]  
[Insert child's name]  
[Year reg]

**Your child's attendance during the [insert term] Term**

During a recent register check, it has been brought to my attention that [child's name]'s attendance this term is [attendance %]. Our school target is 96%.

Although attendance is not compulsory until the age of five, it is important that children are encouraged to attend school regularly as research suggests that even missing a little bit of school year on year, children can leave school with lower grades than they are capable of. Regular school attendance also encourages good routines and supports the development of crucial social skills.

As a school we strive for children to have the best possible chance in life and this includes encouraging good discipline and excellent attendance.

I understand that this attendance figure may be due to a very valid reason but I must stress the importance of making sure your child's attendance improves for the rest of the school year.

If you are experiencing difficulties getting [child's name] to school regularly please **contact .....**(name and details of school attendance lead) to discuss the issues as we may be able to help.

Yours sincerely,

Head Teacher

Dear [insert parent/carer name]  
[insert child's name]  
[insert year and reg]

**Congratulations on achieving 100% [to 96% insert as appropriate] attendance this term!**

It is with great pleasure that I am writing to inform you of [child's name]'s excellent attendance for the [insert term] term. [Child's name]'s attendance is a commendable [insert%].

I know from experience that there is a strong link between good attendance and academic progress and I am sure that this will help [child's name] to fulfil [his/her] potential. Please take the opportunity to congratulate [him/her] and reinforce the excellent attendance habits [he/she] has developed.

I would also like to acknowledge your role in [child's name]'s excellent attendance. Without your influence and strong support I am sure it would be more difficult to achieve such a positive result.

With kind regards,

Head Teacher

Dear [insert parent/carer name]  
[child's name]  
[year reg]

**Your child's attendance during the [insert term] Term**

During a recent register check, it has been brought to my attention that [child's name]'s attendance from the start of the academic year to the end of the last term is [% attendance]. Our school target is 96%.

Research suggests that even missing a little bit of school year on year, children can leave school with lower grades than they are capable of. Regular school attendance is also important in the development of good social skills, friendships and good routines.

As a school we strive for children to have the best possible chance in life and this includes encouraging good discipline and excellent attendance.

I understand that this attendance figure may be due to a very valid reason but I must stress the importance of making sure your child's attendance improves for the rest of the school year.

If you wish to discuss your child's attendance please do not hesitate to **contact .....**(name and details of school attendance lead).

Yours sincerely,

Head Teacher

Date

Dear [insert parent/carer name]  
[Child's name]  
[Year reg]

I am concerned that during a recent register check the attendance of [child's name] was [insert attendance %]. This is below our school target of 96%.

Under Government guidelines children who have less than 90% attendance are classed as being **persistently absent**. Your child is currently at risk of being included in this category/ your child is currently included in this category for our school [delete as appropriate].

It is imperative that whenever possible your child attends school and is on time, arriving before .....am, when morning lessons begin.

We appreciate that from time to time children fall ill however please view this letter as a notification of our concern and that we expect that attendance will now improve.

We will monitor [child's name]'s attendance closely and upon review if we are still concerned you may be asked to attend a meeting in school called an Attendance Panel. At this meeting you will be asked to explain the reasons for absence and we will agree an action plan to improve attendance.

All further absence due to illness must be accompanied by medical evidence (such as a GP appointment slip), if such evidence is not provided the absence will be treated as unauthorised. I must warn you that accrued unauthorised absence can result in a penalty notice fine being issued to you by the local authority.

If there is anything we can do as a school to help you to improve your child's attendance then **please contact.....(name and contact details for school attendance lead).**

Yours sincerely

Headteacher

Date

Dear Parent/Carer

This letter is in line with school attendance procedures. As you are aware attendance at school is critical for academic performance and the development of social skills. We closely monitor the attendance of every child in school and are supported by the local authority attendance officer.

Under Government guidelines, children who have less than 90% attendance are classed as being persistently absent. (name) attendance for the last term was (?%)

We want to work with you to improve the attendance of .....and in order to do this we would like to invite you to attend an Attendance Panel to be held in school on.....at..... Also invited to the meeting are..... During the meeting a plan to improve attendance will be formulated and attendance closely monitored afterwards.

It is very important that you attend this meeting however if you are unable to do so please let .....(name and details of school attendance lead) know and alternative arrangements will be made.

Yours sincerely

Headteacher

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Name of child \_\_\_\_\_

I am able to attend the meeting on (date) to discuss my child's attendance.

I am unable to attend the meeting on (date) to discuss my child's attendance, I would like to arrange an alternative time.

Signed \_\_\_\_\_

Print name \_\_\_\_\_

Date

Dear [insert parent/carer name]  
[child's name]  
[Year reg]

As you are aware the school has a duty to monitor the attendance of all its pupils and where attendance is a concern we hope to work positively with parents to remove any barriers or issues so that attendance can swiftly improve. During last term you were sent a letter of concern/ asked to attend an Attendance Panel due to your child's level of attendance.

I am pleased to inform you that [child's name] attendance has improved and at our last check was [attendance %]

I would like to thank you for working with school and improving [child's name]'s attendance. Their attendance will continue to be monitored through normal whole school procedures and we would encourage you to continue to ensure [child's name] attendance continues to improve.

If there is anything we can do as a school to help you further then please do let  
.....(name and details of school attendance lead).

Yours sincerely

Headteacher

Dear [insert parent/carer name]  
[child's name]  
[year reg]

**Attendance Panel**

I am sorry that you were unable/ did not attend the Attendance Panel held in school on [insert date]. The meeting was arranged to discuss the reasons your child has been absent and to put into place a plan to help improve their attendance.

Please find enclosed a copy of the attendance plan that was put into place in your absence. [child's name]'s attendance will now be monitored for four school weeks. [Child's name] is expected to attend school each day. If they are absent due to illness we now require medical evidence such as appointment card or prescription in order to authorise the absence.

Should child's name have any further absence the school may decide to refer the matter to the local authority Attendance Team. This may mean you are issued with a warning letter, are required to attendance and Attendance Case Conference or are issued with a penalty notice fine.

I hope that you will work with us to ensure that child's name attendance improves and further action is therefore unnecessary.

If you are experiencing difficulties getting your child to school every day, please contact.....(name and details of school attendance lead) to discuss the issues as we may be able to help.

Yours sincerely

Head teacher

Date

Dear [insert parent/carer name]  
[child's name]  
[year reg]

**Attendance Panel**

Thank you for attending the meeting held in school on [insert date]. As you are aware the purpose of the meeting was to discuss the reasons that your child has been absent and to determine if we could help you in any way to improve their attendance in the future.

Please find enclosed a copy of the attendance plan that was discuss and agreed at the meeting. [Child's name]'s attendance will now be monitored for four school weeks. [Child's name] is expected to attend school each day. If they are absent due to illness we now require medical evidence such as appointment card or prescription in order to authorise the absence.

Should [child's name] have any further absence the school may decide to refer the matter to the local authority Attendance Team. This may mean you are issued with a warning letter, are required to attendance and Attendance Case Conference or are issued with a penalty notice fine.

I am confident that you will work with us to ensure that [child's name]'s attendance improves, and further action is therefore unnecessary.

If you would like a further discussion about your child's attendance please contact.....(name and details of school attendance lead).

Yours sincerely

Head teacher

<b>Pupil Name</b>	
<b>Date of panel</b>	
<b>Current attendance %</b>	
<b>Summary of any absence patterns</b>	
<b>Pupil view: Reasons for absence</b>	
<b>Parent view: Reasons for absence</b>	
<b>Specific reasons for absence</b>	

<b>Actions</b>			
	<b>Key point</b>	<b>By whom</b>	<b>By when</b>
<b>1.</b>			
<b>2.</b>			
<b>3.</b>			
<b>4.</b>			

<b>Signed School</b>	
<b>Signed Parent</b>	
<b>Review Date</b>	

# **PENALTY NOTICE CODE OF CONDUCT**

**(This applies to all maintained schools, academies and free schools)**

**July 2019**

## Code of Conduct for Penalty Notices (Anti-Social Behaviour Act 2003, Section 23)

### 1. Rationale

Regular and punctual attendance of students at school is both a legal requirement (Section 7 of the Education Act 1996) and essential for students to maximise the opportunities available to them to reach their full potential. It is parent(s)/carers responsibility to ensure their child/ren receive(s) efficient full-time education that is suitable to their child's age, aptitude and to any special educational needs the child may have.

Education-related penalty notices were introduced by the Anti-social Behaviour Act 2003 which amended section 444 of the Education Act 1996 to allow parents to be issued with a penalty where they failed to ensure their child of compulsory school age (5-16) and school registered had irregular attendance.

Section 103 of the Education and Inspections Act 2006 also requires parents of excluded pupils to ensure that their child is not found present in a public place during school hours in the first five days of their exclusion from school without a justifiable reason.

The Education (Penalty Notice) (England) (Amendment) Regulations 2012 effective from 1<sup>st</sup> September 2012 increase the amount payable from a parent when a penalty notice has been issued. This applies to any parent who fails to ensure the regular attendance of their child who is of compulsory school age and who is a registered pupil at a school or who fails to ensure their child who is subject to an exclusion from school is not found in a public place during school hours without a justifiable reason.

The Education (Penalty Notices) (England) (Amendment) Regulations 2013 effective from 1<sup>st</sup> September 2013 reduce the timescales for paying a penalty notice bringing attendance penalty notices in line with other types of penalty notices. Parents must, from 1<sup>st</sup> September 2013, pay £60 within 21 days or £120 within 28 days. Penalty notices are issued **per parent per child**.

If parents fail in their duties, they commit an offence either under section 444A of the Education Act 1996 or section 103 of the Education and Inspections Act 2006 and can be served with a penalty notice by an authorised officer. Full payment of the penalty discharges the parent from liability for prosecution as the payment of the penalty notice is an alternative to prosecution in the magistrate court.

Penalty notices offer a means for swift intervention, which the Local Authority will use to improve attendance as an early measure to prevent non-attendance becoming entrenched. Stockton-on-Tees Local Authority will ensure the smooth administration of the necessary process in order to fully comply with the legislation on Human Rights and ensure the consistent, fair and transparent application of penalty notices. This Code of Conduct will govern the issuing of penalty notices in Stockton-on-Tees Borough Council and will be reviewed annually.

This Code of Conduct was reviewed following the case of *Isle of Wight Council (Appellant) v Platt (Respondent)* [2017] UKSC 28 which was heard in the Supreme Court in 2017. That case clarified the definition of "regular attendance" and found that "regular" means in accordance with school rules. If the school requires that a child attends i.e. the school have not authorised a request for leave of absence during term time, then the parent/carer commits an offence if he/she takes the child out of school.

### 2. Guidance and Legislation

2.1 Personnel authorised to operate this Code must have regard to the following legislation and guidance:

- The Race Relations (Amendment) Act 2000

- The Race Relations (Statutory Duties) Order 2001
- Disability Discrimination Act 1995
- Data Protection Act 1998
- Children Act 1989
- Crime and Disorder Act 1998
- Special Educational Needs and Disabilities Code of Practice 2015
- Education Act 1996
- The Education and Inspections Act 2006
- The Equality Act 2010
- The Education (Penalty Notice) (England) (Amendment) Regulations 2012
- The Education (Penalty Notice) (England) (Amendment) Regulations 2013
- The Education (Pupil Registration) (England) (Amendment) Regulations 2013

## 2.2 Section 576 Education Act 1996: Definition of a Parent

The education-related provisions of the Anti-Social Behaviour Act 2003 apply to all parents who fall within the definition set out in this section of the Education Act 1996.

This defines 'parent' as:

- All natural parents, whether they are married or not.
- Any person who, although they are not a natural parent, has parental responsibility (as defined in the Children Act 1989) for a child or young person.
- Any person who, although not a natural parent, has care of a child or young person – having care of a child or young person means that a person with whom the child lives and who looks after the child, irrespective of what their relationship is with the child is considered to be a parent in education law.

Throughout this document, all references to 'parent' mean each and every parent coming within this definition, whether acting jointly or separately, and should not be taken to mean that provisions only apply to 'parent' in the singular.

## 3. Procedure for the Issue of Penalty Notices

- 3.1 Penalty notices will be issued by the Attendance Team, with the agreement of the Attendance and Safeguarding Manager. The Attendance and Safeguarding Manager will ensure that the issuing of penalty notices is closely monitored and evaluated and complements the other duties carried out by the Attendance Team.
- 3.2 No penalty notice will be issued without the issue of the relevant warning notice and the pursuance of relevant assessment of the individual case.
- 3.3 The Attendance Team will issue penalty notices by post.
- 3.4 No one parent will receive more than two separate penalty notices resulting from the unauthorised absence of an individual child in any twelve month period.
- 3.5 The Attendance Team, on behalf of Stockton Borough Council, will receive and administer all referrals for the issue of penalty notices from all schools in its area including academies and free schools. These requests will be actioned providing:
  - The information received meets the criteria for the issue of a penalty notice which is specified in the Code of Conduct and;

- All necessary information is provided to the Attendance Team in order to establish that an offence has been committed under Section 444 (1) of the Education Act 1996.
- 3.6** The Attendance Team will ensure that duplicate penalty notices are not issued and that any action taken is compliant with the relevant legislation and that no conflict arises with other statutory interventions.
- 3.7** Each parent will receive a separate warning letter and penalty notice for each child.

#### **4. Criteria for Issuing a Penalty Notice**

- 4.1** That the issuing of the penalty notice would be effective in getting the pupil back into education.
- 4.2** The parent must not have a previous conviction for non-attendance.
- 4.3** A minimum absence of 10 sessions (5 school days) which are classed as unauthorised during the previous 8 school weeks must be on the pupils attendance register.
- 4.4** Where a penalty notice warning letter is issued for 10 sessions of unauthorised absence in the previous eight school weeks the pupil's attendance will be monitored for 4 school weeks.
- 4.5** If any unauthorised absence is recorded during this 4 week monitoring period the Attendance Team will consider the issue of a penalty notice to each parent. Each parent will receive a separate penalty notice.
- 4.6** In cases of unauthorised leave of absence for the purpose of a family holiday the head teacher/principal of the school/ academy should issue to the each parent a warning letter detailing their decision not to authorise the leave and explain why the exceptional circumstances criteria has not been met. A minimum absence of 10 sessions (5 school days) for taking holiday leave during the current term without permission of the head teacher must be accrued and this information forwarded to the local authority Attendance Team by means of a referral. A copy of the warning letter issued by the head teacher and all relevant and requested referral information should be sent to the Attendance Team before a penalty notice can be issued. (Please see Appendix 7 for Penalty Notice Checklist)
- 4.7** The local authority will make the decision whether or not to issue the penalty notice. The local authority will also take into consideration any instance where it appears a parent deliberately or wilfully acted to circumvent the manner in which this policy operates.
- 4.8** In cases where the pupil has been found to be in a public place during school hours without reasonable justification, the letter of exclusion sent by the head teacher at the point of exclusion is considered to be the warning letter in these instances. It should be accompanied by a referral that details evidence that the pupil was in a public place.

#### **5. Withdrawal of a Penalty Notice**

- 5.1** The local authority may withdraw a penalty notice in any case which the authority determines:
- (i) An offence has not been committed;
  - (ii) It was issued outside the terms of the Code of Conduct;
  - (iii) It ought not to have been issued to the person named as the recipient;
  - (iv) If the parent can prove it was issued to the wrong address; or
  - (v) It contains material errors

#### **6. Where a Penalty Notice has been withdrawn in accordance with the above**

- 6.1** A notice of the withdrawal shall be given to the recipient. Any amount paid by way of penalty in pursuance of that notice shall be repaid to the person who paid it.
- 6.2** In relation to a withdrawn penalty notice, no prosecution shall be commenced for those circumstances against the recipient of the notice for an offence under section 444 of the Education Act 1996.

