



North Primary School and Nursery

Attendance Policy

North Primary School and Nursery is committed to providing a full and efficient education for all its pupils. We believe that if pupils are to benefit from such an education, good attendance and punctuality is crucial. As a School we will do all we can to ensure maximum attendance for all pupils. Any issues that impede full attendance will be identified and addressed as quickly as possible.

Our school will give a high priority to conveying to parents and pupils the importance of regular and punctual attendance. We recognise that parents have a vital role to play in ensuring regular and punctual attendance is achieved and that there is a need to establish strong home-school links and communication systems that can be utilised whenever there are concerns about attendance.

If there are issues which affect a pupil's attendance we will investigate, identify and strive in partnership with parents and pupils to resolve those issues as quickly and efficiently as possible.

The Context

Ofsted, 31st October 2017

“Leaders promote a culture of care, and staff are vigilant about pupils’ welfare and safety. You (the headteacher) as the designated lead for safeguarding, ensure that any issues of safety are followed up effectively and you maintain good oversight of any pupil whose well-being or welfare raises any concerns. In addition, you and other staff follow up pupils whose attendance is low to make sure that this is not due to issues of safety or safeguarding.”

“Pupils are safe and happy at school. They are polite and show respect not only to adults but also to one another. Pupils and staff are proud of their school and the work they do together.”

“The pupil premium funding is used effectively to reach out to parents and families in which pupils are not attending school regularly enough or are persistently late. The school goes out of its way to improve attendance levels, not just of disadvantaged pupils but also of those who have special educational needs. Consequently, you have achieved key successes in turning around poor attendance. Attendance levels are improving well and persistent absence is falling. A very small number of parents, however, are still not making sure that their children attend regularly or on time.”

“They continue to work with parents so that persistent absence or lateness is reduced further.”

Rights and Responsibilities: school, parents, pupils

The School

Whatever the weather, staff will do everything in their power to ensure the school is open every day and with full staff attendance.

Every day is important at North – lessons are planned for every week and every day of the school year. This also applies to the end of half-terms and terms which are equally important days for the school community.

We expect pupils to attend school each time the school is open, on time, properly equipped and ready to learn.

We will encourage good attendance and will communicate with parents as soon as possible if there is a concern regarding attendance or punctuality.

We will work in partnership with parents and pupils to resolve issues, which affect attendance or punctuality as quickly as possible.

We will include information on pupil's attendance in annual reports to parents on achievement.

The school has a legal duty to publish its absence figures to parents.

Parents

Parents are responsible for ensuring their child(ren) regularly and punctually attend school, adequately dressed and ready to learn.

Parents are responsible for immediately informing the school on the first morning of any absence by the Parentmail app or telephone, detailing the reason for that absence.

If attendance issues do develop, the school expects parents to work actively with school staff to resolve them.

The pupil

Pupils will ensure that they attend school regularly and on time.

Pupils can expect to receive assistance following periods of absence in order to catch up with school work.

Every Family is expected to sign the Home School Accord upon starting school. This document clearly sets out the rights and responsibilities of all staff, parents and pupils.

Registration

A manual registration system is used at North.

Manual registers must be marked in ink and where an alteration is necessary this must be clearly identified showing both the original entry and change. Correction fluid must not be used.

Registers will be returned to the school office at the end of the registration period for safety where they will be secured but remain accessible in case of an emergency.

All notes from parents regarding a pupil's absence will be stored on the pupil's file.

School will complete accurate registers at the beginning of each morning and afternoon session within 10 minutes of the start of the sessions.

Start Times

Nursery	8.30am and 12.30pm
Reception	8.30am
Year 1	8.35am
Year 2	8.40am
Year 3	8.45am
Year 4	8.35am
Year 5	8.30am
Year 6	8.30am

Afternoon registration times vary by age group.

Reception	12.45pm
Year 1	1.00pm
Year 2	1.15pm
Year 3	1.30pm
Year 4	1.40pm
Year 5	1.30pm
Year 6	1.30pm

If a pupil arrives after the junior and infant entrances have closed, they are required to report to reception to be entered into the late record book.

Registers will be closed at 9.10am. Parents of pupils arriving after 9.10am will be asked to complete a form explaining the reason for the late arrival. The Headteacher will decide as to whether the reason is acceptable and will either authorise the late arrival or record a mark as unauthorised absence for that session.

Lateness

Poor punctuality is not acceptable. If a child misses the start of the day they can miss work and do not spend valuable time with their class teacher getting vital information and news for the day. Late arriving pupils also disrupt lessons. This can be embarrassing for the child and can also encourage absence. Good time-keeping is a vital life skill which will help our children as they progress through their school life and out into the wider world.

The register is a legal document and must be marked accurately, recording pupils' attendance or absence and in the latter case if that absence is authorised or unauthorised, using the approved and appropriate DfE codes.

If required a certified extract of the register can be produced as evidence in legal proceedings against parents for failing to ensure their child's regular attendance or in seeking an Education Supervision Order in respect of a pupil.

Registers will be kept for three years following completion at the end of the academic school year.

Understanding Types of Absence

Every half-day absence from school has to be classified by the school (not by the parent/carer), as either AUTHORISED or UNAUTHORISED. This is why information about the cause of any absence is always required.

Authorised absences are mornings or afternoons away from school for a good reason like illness (although you may be asked to provide medical evidence for your child before this can be authorised), medical or dental appointments which unavoidably fall in school time (although you may be asked to provide evidence of the appointment such as an appointment card or letter before this can be authorised), emergencies or any other unavoidable cause.

Unauthorised absences are those which the school does not consider reasonable and for which no consent has been given. This type of absence can lead to the Local Authority using sanctions and/or legal proceedings which may include issuing each parent with a Penalty Notice for £120, reduced to £60 if paid within 21 days or referring the matter to the Magistrates Court whereby each parent may receive a fine up to £2,500 and/or up to 3 months in prison. If you are found guilty in court you will receive a criminal conviction.

Unauthorised absence includes:

- parents/carers keeping children off school unnecessarily e.g. because they had a late night or for non-infectious illness or injury that would not affect their ability to learn.
- absences which have never been properly explained.
- children who arrive at school after the close of registration are marked using a 'U'. This indicates that they are in school for safeguarding purposes however is recorded as an absence for the session.
- shopping trips.
- looking after other children or children accompanying siblings or other children or parents to medical appointments.
- their own or other family member's birthdays.
- holidays taken during term time without consent - five days unauthorised absence will lead to a Penalty Notice being triggered by the Local Authority.
- holidays taken during term time without leave, not deemed 'for exceptional purposes' by the headteacher, may result in school applying to the Local Authority to issue a Penalty Notice or if you have previously been issued a Penalty Notice, the school may request a direct prosecution by the local authority.
- day trips.
- other leave of absence in term time which has not been agreed.

School Attendance and the Law

There is no longer any entitlement in law for pupils to take time off during the term to go on holiday. In addition, the Supreme Court has ruled that the definition of regular school attendance is "in accordance with the rules prescribed by the school".

The Education (Pupil Registration) (England) Regulations 2006 were amended in September 2013. All references to family holidays and extended leave have been removed. The amendments specify that headteachers may not grant any leave of absence during term time unless there are "exceptional circumstances".

It is a rule of this school that a leave of absence shall not be granted in term time unless there are reasons considered to be exceptional by the headteacher, irrespective of the child's overall attendance. Only the headteacher may authorise such a request and all applications for a leave of absence must be made in writing on the prescribed form provided by the school. Where a parent removes a child when the application for leave was refused or where no application was made to the school, the issue of a Penalty Notice may be requested by the school.

Exceptional circumstances' will be interpreted as:

... being of unique and significant emotional, educational or spiritual value to the child which outweighs the loss of teaching time. The fundamental principles for defining 'exceptional' are events that are "rare, significant, unavoidable and short". By 'unavoidable' we mean an event that could not reasonably be scheduled at another time.

We will not agree leave during term time:

- at any time in September. This is very important as your child needs to settle into their new class at the beginning of the new school year as quickly as possible.
- for Year 6, from the start of the summer term until after SATS have finished in mid-May.
- when a pupil's attendance record already includes any level of unauthorised absence or they have already been granted authorised leave within that academic year.

Procedure for following up absence or lateness

It is the responsibility of the parent/carer to contact the school on the first morning of the child's absence. Office staff complete register checks every day. A telephone call will be made to the parents/carer in the event of unexplained absence.

If telephone contact has not been made and a written explanation is not provided then a letter will be sent home (absence letter 1, Appendix A)

If the above actions do not elicit an explanation, a further letter will be sent (absence letter 2, Appendix B) to the parents/carers.

If this second letter does not elicit an explanation the absence will be recorded as unauthorised.

Where the school has concerns about a particular period of absence or a pattern of absence a meeting with the parent/carers will be called by the Headteacher. If this does not resolve the matter a formal referral will be made to the Local Authority.

If the pupil is returning to school after an absence of longer than two weeks, in exceptional circumstances there will be provision to allow the pupil to ease back into the school system. In the event of a pupil returning after a longterm absence then an individual reintegration programme (IRP) will be implemented. The IRP will include all members of the school staff and will be designed to be as supportive of the pupil as possible.

Where a pupil is persistently late the school will write to the parent/carer inviting them to a school-based meeting.

It may be necessary for the school or Local Authority to ask the parent/carer to provide the school with written evidence of reason for absence e.g.

- ◆ Appointment cards/letters
- ◆ Medical certificate
- ◆ Letter from GP

Persistent Absenteeism (PA)

A pupil is defined by the Government as a ‘**persistent absentee**’ when they miss 10% or more schooling across the school year for whatever reason. Absence at this level will cause considerable damage to any child’s education and we need the fullest support and co-operation of a parent/carer to tackle this.

We monitor all absence, and the reasons that are given, thoroughly. If a child is seen to have reached the PA mark or is considered to be at risk of moving towards that mark we will inform the parent/carer. PA pupils are tracked and monitored carefully. If attendance remains a concern, a school-based meeting will be held and an action plan will be discussed. This may include: allocation of additional support through the School Nurse, Family Support Worker, Local Authority, Family Solutions or Social Care. We also combine this with academic tracking where absence affects attainment.

If attendance does not improve, legal action may be taken in the form of a Penalty Notice (see Annex A for the Essex Code of Conduct), prosecution in the Magistrates Court or the application of an Education Supervision Order, designed to strengthen parental responsibilities and ensure improved attendance.

Deletion from Roll

For any pupil leaving North Primary School and Nursery, other than at the end of Year 6, parents/carers are required to complete a ‘Leaving School Form for Parents’ which can be obtained from the school office. This provides school with the following information: Child’s name, date of birth, class, current address, reason and date of leaving, new home address, name of new school, address of new school. This information is essential to ensure that we know and safeguard the whereabouts of all of our pupils.

It is crucial that parents keep school updated with current addresses and contact details for key family members in case of emergency.

Under Pupil Regulations 2006, all schools are now legally required to notify their Local Authority of every new entry to the admission register within five days of the pupil being enrolled. In addition to this, every deletion from the school register must also be notified to the Local Authority, as soon as the ground for deletion has been met in relation to that pupil, and in any event no later than the time at which the pupil’s name is deleted from the register. This duty does not apply when a pupil’s name is removed from the admission register at a standard transition point – when the pupil has completed the final year of education normally provided by that school.

Summary

The school has a legal duty to publish its absence figures to parents and to promote attendance.

Equally, parents have a duty to make sure that their children attend school, on time, every day.

All school staff and the Governing Body are committed to working with parents and pupils as the best way to ensure as high a level of attendance as possible.

This policy will be reviewed to its effective implementation by the Curriculum Committee on an annual basis and updated as appropriate.

Reviewed by Curriculum Committee: December 2022

Appendices

Appendix A	Absence Letter 1
Appendix B	Absence Letter 2
Appendix C	Staff Roles
Appendix D	DfE guidance Summary table of responsibilities for school attendance. September 2022
Appendix E	Essex Code of Conduct Penalty Notices for parents of truants and parents of pupils excluded from school
Appendix F	DfE “The link between absence and attainment at KS2 – 2013/14 academic year”

Appendix A

***North Primary School and Nursery
John Harper Street
Colchester, Essex CO1 1RP***



Headteacher: Alan Garnett

Telephone: 01206 574225

Fax: 01206 369583

www.northschool.org.uk

admin@north.essex.sch.uk

[date]

Dear Parent/Carer

Your child has been absent from school on the date/s shown below and we do not appear to have been informed of the reason for the absence.

As we are required by law to record all absences, it would be helpful if you can complete the slip below or inform me in writing of the reason for the absence.

Please inform the office if your child will not be attending school at the beginning of the school day. Should you have any queries concerning this letter please contact Mrs Sancassani in the school office.

Yours sincerely

Alan Garnett
Headteacher

Name:

Class:

Date of absence:	Reason for absence
.....	

Signature of Parent/Guardian Date.....

Appendix B

***North Primary School and Nursery
John Harper Street
Colchester, Essex CO1 1RP***



Headteacher: Alan Garnett

Telephone: 01206 574225

Fax: 01206 369583

www.northschool.org.uk

admin@north.essex.sch.uk

[date]

Dear Parent/Carer

I have previously written to you regarding your child's absence from school for the date/s shown below.

As I have had no response, I will have no alternative than to mark this/these absence/s as unauthorised/truancy, unless we hear from you within the next seven days. Please complete the slip and return to the school office.

Could I also remind you, that it is your responsibility to inform the school on the first day of the child's absence why they will not be coming to school. If you have any queries concerning this letter, please contact either myself or Mrs Sancassani in the school office.

Yours sincerely

Alan Garnett
Headteacher

Name:

Class:

Date of absence:	Reason for absence:

Signature of Parent/Guardian Date.....

Appendix C

Staff Roles

The head teacher is responsible for attendance issues and will check the registers on a regular basis to identify any attendance/punctuality concerns.

The head teacher will meet regularly with the Office Manager to discuss any attendance/punctuality concerns.

The administrative team are responsible for ensuring that registers are kept safely and are available for inspection to relevant professionals.

The administrative team are responsible for logging attendance information onto the computerised system.

The class teacher is responsible for taking the register daily, once for the AM session and once for the PM session.

The class teacher is responsible for register maintenance of their own class register. Including the following:

- ◆ using the correct colour ink
- ◆ ensuring that symbols used are appropriate
- ◆ not using correction fluid
- ◆ ensuring all mistakes are amended with the original information still clear and corrections clearly marked
- ◆ ensuring the registers are neatly kept allowing for ease of reading at all times but especially in an emergency situation – i.e. during a fire procedure

The Head will ensure that all staff are aware of the registration process and receive in-service training on registration regulations and education law.

Annex D: DfE guidance Summary table of responsibilities for school attendance. September 2022

All Pupils

Parents are expected to:	Schools are expected to:	Academy trustees and governing bodies are expected to:	Local authorities are expected to:
<p>Ensure their child attends every day the school is open except when a statutory reason applies.</p> <p>Notify the school as soon as possible when their child has to be unexpectedly absent (e.g. sickness).</p> <p>Only request leave of absence in exceptional circumstances and do so in advance.</p> <p>Book any medical appointments around the school day where possible.</p>	<p>Have a clear school attendance policy on the school website which all staff, pupils and parents understand.</p> <p>Develop and maintain a whole school culture that promotes the benefits of good attendance.</p> <p>Accurately complete admission and attendance registers.</p> <p>Have robust daily processes to follow up absence.</p> <p>Have a dedicated senior leader with overall responsibility for championing and improving attendance.</p>	<p>Take an active role in attendance improvement, support their school(s) to prioritise attendance, and work together with leaders to set whole school cultures</p> <p>Ensure school leaders fulfil expectations and statutory duties.</p> <p>Ensure school staff receive training on attendance.</p>	<p>Have a strategic approach to improving attendance for the whole area and make it a key focus of all frontline council services.</p> <p>Have a School Attendance Support Team that works with all schools in their area to remove area-wide barriers to attendance.</p> <p>Provide each school with a named point of contact in the School Attendance Support Team who can support with queries and advice.</p> <p>Offer opportunities for all schools in the area to share effective practice.</p>

Pupils at risk of becoming persistently absent

Parents are expected to:	Schools are expected to:	Academy trustees and governing bodies are expected to:	Local authorities are expected to:
<p>Work with the school and local authority to help them understand their child's barriers to attendance.</p> <p>Proactively engage with the support offered to prevent the need for more formal support.</p>	<p>Proactively use data to identify pupils at risk of poor attendance.</p> <p>Work with each identified pupil and their parents to understand and address the reasons for absence, including any in-school barriers to attendance.</p> <p>Where out of school barriers are identified, signpost and support access to any required services in the first instance.</p> <p>If the issue persists, take an active part in the multi-agency effort with the local authority and other partners. Act as the lead practitioner where all partners agree that that the school is best placed lead service. Where the lead practitioner is outside of the school, continue to work with the local authority and partners.</p>	<p>Regularly review attendance data and help school leaders focus support on the pupils who need it.</p>	<p>Hold a termly conversation with every school, discuss and signpost or provide access to services for pupils who are persistently or severely absent or at risk of becoming so.</p> <p>Where there are out of school barriers, provide each identified pupil and their family with access to services they need in the first instance.</p> <p>If the issue persists, facilitate a voluntary early help assessment where appropriate. Take an active part in the multi-agency effort with the school and other partners. Provide the lead practitioner where all partners agree that a local authority service is best placed to lead. Where the lead practitioner is outside of the local authority, continue to work with the school and partners.</p>

Persistently absent pupils

Parents are expected to:	Schools are expected to:	Academy trustees and governing bodies are expected to:	Local authorities are expected to:
<p>Work with the school and local authority to help them understand their child's barriers to attendance.</p> <p>Proactively engage with the formal support offered – including and parenting contract or voluntary early help plan to prevent the need for legal intervention.</p>	<p>Continued support as for pupils at risk of becoming persistently absent and:</p> <p>Where absence becomes persistent, put additional targeted support in place to remove any barriers. Where necessary this includes working with partners.</p> <p>Where there is a lack of engagement, hold more formal conversations with parents and be clear about the potential need for legal intervention in future.</p> <p>Where support is not working, being engaged with or appropriate, work with the local authority on legal intervention.</p>	<p>Regularly review attendance data and help school leaders focus support on the pupils who need it.</p>	<p>Continued support as for pupils at risk of becoming persistently absent and:</p> <p>Work jointly with the school to provide formal support options including parenting contracts and education supervision orders.</p> <p>Where there are safeguarding concerns, ensure joint working between the school, children's social care services and other statutory safeguarding partners.</p>

Severely absent pupils

Parents are expected to:	Schools are expected to:	Academy trustees and governing bodies are expected to:	Local authorities are expected to:
<p>Work with the school and local authority to help them understand their child's barriers to attendance.</p> <p>Proactively engage with the formal support offered – including any parenting contract or voluntary early help plan to prevent the need for legal intervention.</p>	<p>Continued support as for persistently absent pupils and:</p> <p>Agree a joint approach for all severely absent pupils with the local authority.</p>	<p>Regularly review attendance data and help school leaders focus support on the pupils who need it.</p>	<p>Continued support as for persistently absent pupils and:</p> <p>All services should make this group the top priority for support. This may include a whole family plan, consideration for an education, health and care plan, or alternative form of educational provision.</p> <p>Be especially conscious of any potential safeguarding issues, ensuring joint working between the school, children's social care services and other statutory safeguarding partners. Where appropriate, this could include conducting a full children's social care assessment and building attendance into children in need and child protection plans.</p>

Support for pupils with medical conditions or SEND with poor attendance

Parents are expected to:	Schools are expected to:	Academy trustees and governing bodies are expected to:	Local authorities are expected to:
<p>Work with the school and local authority to help them understand their child's barriers to attendance.</p> <p>Proactively engage with the support offered.</p>	<p>Maintain the same ambition for attendance and work with pupils and parents to maximise attendance.</p> <p>Ensure join up with pastoral support and where required, put in place additional support and adjustments, such as an individual healthcare plan and if applicable, ensuring the provision outlined in the pupil's EHCP is accessed.</p> <p>Consider additional support from wider services and external partners, making timely referrals.</p> <p>Regularly monitor data for such groups, including at board and governing body meetings and with local authorities.</p>	<p>Regularly review attendance data and help school leaders focus support on the pupils who need it.</p>	<p>Work closely with relevant services and partners, for example special education need, educational psychologists and mental health services to ensure joined up support for families.</p> <p>Ensure suitable education, such as alternative provision, is arranged for children of compulsory school age who because of health reasons would not otherwise receive a suitable education.</p>

Support for pupils with a social worker

Parents are expected to:	Schools are expected to:	Academy trustees and governing bodies are expected to:	Local authorities are expected to:
<p>Work with the school and local authority to help them understand their child's barriers to attendance.</p> <p>Proactively engage with the support offered.</p>	<p>Inform the pupil's social worker if there are any unexplained absences and if their name is to be deleted from the register.</p>	<p>Regularly review attendance data and help school leaders focus support on the pupils who need it.</p>	<p>Regularly monitor the attendance of children with a social worker in their area.</p> <p>Put in place personal education plans for looked-after children.</p> <p>Secure regular attendance of looked-after children as their corporate parent and provide advice and guidance about the importance of attendance to those services supporting pupils previously looked after.</p>

Apprndix E

ESSEX CODE OF CONDUCT PENALTY NOTICES FOR PARENTS OF TRUANTS AND PARENTS OF PUPILS EXCLUDED FROM SCHOOL ANTI-SOCIAL BEHAVIOUR ACT 2003 SECTION 23

The purpose of this local code of conduct is to ensure that the powers are applied consistently and fairly across the Local Authority area to all Essex residents.

The Government requires Local Authorities to issue a code of conduct and any persons issuing Penalty Notices to a parent¹ must do so in accordance with this protocol. Essex County Council is legislatively responsible for administering the Penalty Notice scheme and will do so in accordance with a number of legislative and non-legislative requirements.

The Essex code has been agreed following consultation with;

- Essex County Council representatives – Attendance Compliance Team and Essex Legal Services.
- Representatives from Governing Bodies and Headteachers of Essex Schools
- Essex Police
- Persons accredited under Essex Police's Community Safety Accreditation Scheme (CSAS)

The Code of Conduct is in accordance with the following legislation;

LEGISLATIVE FRAMEWORK FOR EDUCATION PENALTY NOTICES

The legal framework governing school attendance and the responsibilities of parents of excluded pupils, schools and the LA is set out in a succession of acts, regulations and other guidance.

Education Act 1996

Under Section 7 of the Act: the parent is responsible for making sure that their child of compulsory school age receives efficient full-time education that is suitable to the child's age, ability and aptitude and to any special educational needs that the child may have, this can be by regular attendance at school, or otherwise (the parent can choose to educate their child themselves). If it appears to the LA that a child of compulsory school age is not receiving a suitable education, either by regular attendance at school or otherwise then they must begin procedures for issuing a School Attendance Order under Section 437 of the Education Act 1996.

If a child of compulsory school age who is registered at a school fails to attend the school regularly the parent is guilty of an offence under Section 444(1) of the Education Act 1996. In addition, if it can be proved that a parent knew of the child's non-attendance and failed to act, then they may be found guilty under Section 444(1 A). This offence (known as the higher or aggravated offence) can lead to a warrant being issued compelling a parent to attend court and conviction may result in a higher level fine and/or a custodial sentence.

¹ All those defined as a parent under Section 576 Education Act 1996 are parents for the purpose of these provisions. This means that all natural parents, whether they are married or not; any person who, although not a natural parent, has parental responsibility (as defined in the Children Act 1989) for a child or young person; and 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. Parent means each and every parent coming within the definition (whether acting jointly or separately) and should not be taken to mean that provisions only apply to parent in the singular. As with prosecutions under Section 444 Education Act 1996 a penalty notice may be issued to each parent liable for the offence.

On 6 April 2017, in the case of Isle of Wight Council v Platt [2017] UKSC 28, the Supreme Court ruled that the word 'regularly' means 'in accordance with the rules prescribed by the school.'

Anti-social Behaviour Act 2003

<http://www.legislation.gov.uk/ukpga/2003/38/contents>

The Act added two new sections (444A and 444B) to the Education Act. It introduced penalty notices as an alternative to prosecution under Section 444; the issuing of penalty notices is governed by:

- The Education (Penalty Notices) (England) Regulations 2007
- The Education (Penalty Notices) (England) (Amendment) 2013

<http://www.legislation.gov.uk/uksi/2013/757/contents/made>

Children Act 1989

<http://www.legislation.gov.uk/ukpga/1989/41/section/36>

Crime and Disorder Act 1998

<https://www.legislation.gov.uk/ukpga/1998/37/section/16>

Education and Inspections Act 2006

<http://www.legislation.gov.uk/ukpga/2006/40/contents>

The Education (Pupil Registration) (England) Regulations 2006 (Amended 2013)

<http://www.legislation.gov.uk/uksi/2013/756/regulation/2/made>

AUTHORISATION TO ISSUE PENALTY NOTICES

Primary responsibility for issuing penalty notices rests with the Local Authority (LA). It has been agreed that the Attendance Compliance Team, on behalf of Essex LA, will usually issue penalty notices. The Service will administer the scheme from any funds obtained as a result of issuing penalty notices.

Head Teachers (and Deputy Head Teachers and Assistant Head Teachers authorised by the head teacher) and police, and persons accredited by the community safety accreditation scheme are all able to issue the notices under the Act, although there is no requirement for them to do so.

In Essex it has been agreed that the Police and Head Teachers will not issue penalty notices to parents. Persons accredited through the Community Safety Accreditation Scheme² are authorised to do so.

CIRCUMSTANCES IN WHICH A PENALTY NOTICE MAY BE ISSUED

Penalty Notices apply to pupils of statutory school age, which commences the term immediately following the child's 5th birthday and finishes on the last Friday in June of school year in which they turn 16.

Penalty notices will only be issued as a conclusion to a series of processes and when all attempts to address school attendance matters have been unsuccessful. If a previous Penalty Notice has been unsuccessful, rationale and justification should be provided as to why issuing another Penalty Notice would improve the attendance of the student. If schools are not aware of any previous or current legal interventions they must email attendancecompliance@essex.gov.uk. A response will be sent within 3 working days. Parents cannot be penalised more than once for the same period of absence.

² Accredited companies at time of this publication are Attendance Solutions Essex, Aquinas School Attendance Provisions and NEMAT Support Services

Domestic and European legislation and case law makes it clear that when serving a formal Notice in criminal proceedings, the recipient must be clearly and unambiguously identified. For the Purpose of issuing a Penalty Notice under this Code, the parent's first and last name must be cited on the Notice and any covering letter. Essex partners have agreed to use Penalty Notices for the following circumstances however the offence under s444 Education Act 1996 is the same whether issued for unauthorised leave of absence (ULA) or irregular school attendance (ISA):

Penalty notices for unauthorised leave of absence (ULA)³

Penalty Notices may be issued where there have been at least 10 consecutive sessions of unauthorised absence for the purpose of a holiday, whereby a parent made an application to the School which the Head Teacher has deemed not for exceptional circumstances. In addition, a Penalty Notice may also be issued, whereby the parent did not submit a leave of absence request, however the school have reason to believe the absence was for the purpose of a holiday and should not be authorised as parent has not provided any additional evidence which the Head Teacher deems appropriate to support the absence.

In addition to the above criteria, due to the importance of pupils settling into school at the commencement of the school year, Penalty Notices may also be issued if there have been at least 6 consecutive sessions of unauthorised absence during the first two weeks of September due to a term-time holiday.

The Local Authority requests that for Penalty Notices to be issued, parents must be duly warned of the legal ramifications under separate cover if they remove their child from school for the purpose of a holiday. Schools/Academies must reference the use of Penalty Notices within their Attendance Policy which must be available to all parents/carers online and/or in hard copy within the school, accessible to parents to read. Schools should remind parents of the protocol regarding leave of absence during term time.

Penalty Notices for Irregular School Attendance (ISA)

Penalty Notices may be issued where there has been at least 10 sessions of unauthorised absence during the previous 10 school weeks.

Parents must have been issued with a Legal Action Warning Letter with accompanying Legal fact sheet and given opportunities to inform the school of any factors impacting on their ability to ensure their child attends school regularly. Warning letters are valid for 18 calendar weeks.

The Local Authority advises that the following template is used for irregular school attendance referrals as this has been specifically designed to enable the progression of cases if appropriate. This letter must be on headed paper from the school or accredited persons issuing the notice. The legal fact sheet must be included

https://schools.essex.gov.uk/pupils/Attendance_Compliance/Documents/Legal%20Action%20Warning%20Letter%20for%20schools.docx .

Failure to adequately issue warning to parents may result in the Penalty Notice being withdrawn or not issued.

All penalty notice referrals or notifications from Accredited Persons must be sent via Essex County Council's online portal and all relevant pre-referral work in accordance with the Local Authority requirements must be uploaded alongside the referral/notification.

The Local Authority must be satisfied that the substantive offence in accordance with s.444 Education Act 1996 has been committed prior to issuing a Penalty Notice.

Evidence of attempts to address attendance concerns within the previous 8 weeks prior to requesting or notifying of a Penalty Notice must be submitted. Satisfactory evidence includes letters, notes of home visits, meetings, telephone calls etc.

N.B. for ULA and ISA PN's consideration should always be given to whether it is appropriate to issue to absent parents.

Number of Penalty Notices which can be issued for Irregular school attendance/unauthorised leave of absence

³ Truancy/unauthorised/irregular school attendance refers to absence from school without permission or good reason and the absence is unauthorised by the school.

Discretion will be used to enable up to two penalty notices to be issued to each parent for each child within a twelve-month period. If the law continues to be broken around school attendance the Attendance Compliance Team may instigate legal proceedings.

Number of Penalty Notices which can be issued for pupils identified during a school attendance and exclusion sweep

School attendance and exclusion sweeps take place in Essex and children stopped are often with parents condoning the absence.

If the Head Teacher has not authorised the absence of a pupil stopped by a Local Authority Officer and Police Officer on a sweep and there has been at least 9 unauthorised absences for that pupil during the preceding 10 school weeks, school will issue a legal action warning letter to the parent within 14 days. If there are any further unauthorised absences, during the following 18 calendar weeks a referral to the Attendance Compliance Team may be submitted for a Penalty Notice to be issued.

Essex will issue no more than two penalty notices to a parent in a twelve-month period for pupils identified on a school attendance and exclusion sweep. If the law continues to be broken around school attendance the Attendance Compliance Team will instigate legal proceedings.

Excluded children

When a child is excluded from school, the parent will be responsible for ensuring that their child is not found in a public place during normal school hours on the first five days of each and every fixed period or permanent exclusion. (Section 103 Education and Inspections Act)

The excluding school must have notified the parent informing them of their duty and warning that a penalty notice could be issued.

Where there is more than one person liable for the offence, a separate penalty notice may be issued to each person.

Where a pupil is present in a public place in the first five days of a fixed period exclusion the Essex Local Authority would issue a penalty notice if the school is in their area. Where the child has been permanently excluded, it would be the authority where the child resides.

Number of penalty notices which can be issued for exclusion

Essex will issue a maximum of 2 penalty notices per parent for each child during a 12-month period.

Number of penalty notices which can be issued for unauthorised leave of absence

Essex will issue no more than two penalty notices to a parent in a twelve-month period for unauthorised leave of absence. If the law continues to be broken around school attendance, the Attendance Compliance Team will consider further legal interventions.

PAYMENT OF PENALTY NOTICE

The penalty for each parent issued with a Penalty Notice is £120 for each child, however if paid within 21 days of receipt of the notice, it is reduced to £60. (Service by post is deemed to have been effected, unless the contrary is proved, on the second working day after posting the notice by first class post).

All penalties are paid to the LA and revenue generated is retained to administer the system and contribute towards s444 prosecutions following the non-payment of the Penalty Notice.

If the penalty is not paid in full by the end of the 28-day period, the Attendance Compliance Team will either prosecute for the offence to which the notice applies or withdraw the notice. The prosecution is not for non-payment of the notice but is a prosecution for irregular school attendance – Education Act 1996 Section 4441.

There is no statutory right of appeal against the issuing of a penalty notice.

WITHDRAWAL OF PENALTY NOTICE

A penalty notice may be withdrawn by the local authority named in the notice under the following circumstances:

- Where the local authority deems it ought not to have been issued i.e. where it has been issued outside the terms of the local code of conduct or where the evidence does not support the issuing of a penalty notice
- It appears to the local authority that the notice contains material errors
- Where it has been issued to the wrong person named as the recipient.

CO-ORDINATION BETWEEN THE LOCAL AUTHORITY AND ITS LOCAL PARTNERS

The Attendance Compliance Team and its local partners will review this Code of Conduct bi-annually unless local needs require otherwise.

VERSIONS

Original Code of Conduct was introduced in September 2004.

Most recent revision - November 2017

Revised March 2019 for implementation from April 2019

Appendix F

DfE “The link between absence and attainment at KS2 - 2013/14 academic year”

The analysis of the link between overall absence ...and attainment when taking prior attainment and pupil characteristics into account showed that, for each KS2 and KS4 measure, overall absence had a statistically significant negative link to attainment – i.e. every extra day missed was associated with a lower attainment outcome.

