



PHILIP MORANT

SCHOOL & COLLEGE

Attendance Policy

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1. Aims

Philip Morant School and College recognises that positive behaviour and good attendance are essential in order to raise standards of pupil attainment and to give every child/young person the best educational experience possible.

We are committed to meeting our obligations with regards to school attendance by:

- Promoting good attendance and reducing absence, including persistent absence.
- Ensuring every pupil has access to full-time education to which they are entitled.
- Acting early to address patterns of absence.

We will also support parents to perform their legal duty to ensure their children of compulsory school age attend regularly, and will promote and support punctuality in attending lessons.

2. Legislation and guidance

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

- Part 6 of [The Education Act 1996](#)
- Part 3 of [The Education Act 2002](#)
- Part 7 of [The Education and Inspections Act 2006](#)
- [The Education \(Pupil Registration\) \(England\) Regulations 2006](#) (and [2010](#), [2011](#), [2013](#), [2016](#) amendments)
- [The Education \(Penalty Notices\) \(England\) \(Amendment\) Regulations 2013](#)

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

3. Roles and responsibilities

3.1 The governing board

The governing board is responsible for monitoring attendance figures for the whole school on at least a termly basis. It also holds the headteacher to account for the implementation of this policy.

3.2 The headteacher

The headteacher is responsible for:

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

3.3 The attendance officer

The school attendance officer:

- Monitors punctuality, attendance and missing or incongruent register marks across the school and at an individual pupil level.
- Reports concerns about attendance to the year manager/head of year.
- Arranges calls and meetings with parents to discuss attendance issues.
- Advises the headteacher when to issue fixed-penalty notices.
- Responds to holiday absence requests promptly.
- Refers individual cases to the Local Authority for their decision to issue a Penalty Notice
- Uses rewards and sanctions to raise attendance. Rewards can include letters, phone calls home, reward events and certificates. Attendance is also part of our school standards awards. Sanctions can include warning letters alerting parents when there is a cause for concern, detentions for lateness. Sometimes students may be placed on report for an initial period of a fortnight to monitor attendance and or punctuality.
- Completes home visits where a child has been absent for 3 days, no reason has been provided for a child's absence and contact cannot be made with parent/carer.
- Completes 'eyes on child' home visits, to establish the welfare of the child, if we have not seen that child for 5 days or more.
- Organises School Based Attendance Meetings to discuss concerns with student and parent/carer.
- Monitors students at risk of persistent absence, sends letters home, liaises with parents and work with identified students.

- Promotes good attendance through displays, assemblies and visiting tutor groups. Other promotions could include Attendance Challenges and truancy checks.

3.4 The Year Manager and Head of Year

The Year Manager and Head of Year:

- Collate and analyse attendance data with the Attendance Officer in order to identify patterns, set targets at interview, match attendance with achievement and support and inform policy and practice.
- Liaise with outside agencies to assist students who are experiencing attendance difficulties
- Devise a reintegration programme for students who have been absent for an extended period.
- Liaises with the SEN team to ensure that the attendance of a child with additional needs is being appropriately supported.
- Liaise with the Head of School and Assistant headteacher if a medical referral to Education Access is required because a child is too unwell to attend school for a significant period of time.

3.5 Form tutors

Form tutors are responsible for recording attendance on a daily basis, using the correct codes, and submitting this information on the school management information system.

The role of the Tutor is of significant importance in the pastoral care of students. As Tutors are in regular contact with each child they should be vigilant in monitoring the attendance of their tutees. The Year Manager & Attendance Officer should be informed immediately of any concerns

- At the first registration of the year all spellings of names on the registers should be carefully checked.
- Tutors must respond promptly to any issues of poor punctuality or poor attendance, and take action in line with the school's strategy to improve attendance.

3.6 School admin staff

School admin staff are expected to take calls from parents about absence and record it on the school system.

3.7 Attendance Compliance Team

Parents are expected to contact school at an early stage and to work with the staff in resolving any problems together. This is nearly always successful. If difficulties cannot be sorted out in this way, the school may refer the child to [Aquinas \(School Attendance Provisions\) Ltd.](#) or the Local Authority. Local Authority Attendance Specialists [and Aquinas \(School Attendance Provisions\) Ltd.](#) work with schools, families and other professionals to reduce persistent absence and improve overall attendance. If attendance does not improve, legal action may be taken in the form of a Penalty Notice (see Appendix 2 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.

4. Recording attendance

4.1 Attendance register

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

We will take our attendance register at the start of the first session of each school day and once during the second session.

Each half-day is known as a “session.”

It will mark whether every pupil is:

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

Any amendment to the attendance register will include:

- The original entry
- The amended entry
- The reason for the amendment
- The date on which the amendment was made
- The name and position of the person who made the amendment

See appendix 1 for the DfE attendance codes.

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

Pupils must arrive in school by 8:25am on each school day.

The register for the first session will be taken at 8:30am The register for the second session will be taken at 11:15am.

Registers are a vital legal document and staff are required by their contractual duties to take an attendance register accurately every lesson on **Arbor**. It is imperative that mistakes are not made and that if Arbor is not working a paper register must be sent to the attendance officer.

Registers must be completed carefully and accurately, as they provide a record of student attendance. Failure to complete a register accurately leaves the school vulnerable to truancy and constitutes a risk if an emergency evacuation has to take place.

If a student is missing from lesson, but present in school, staff should use SPS to alert the attendance and pastoral team.

4.2 Unplanned absence

The pupil's parent/carer must notify the school of an unplanned absence.

- Contact the school on the first day of absence **by emailing the attendance team at attendance@pmc.school before 8am**. The parent/carer must state clearly the child's name, tutor group, reason for absence and date of return.
- Contact the school on every further day of absence, again before **8am**.
- Ensure that your child returns to school as soon as possible and if evidence is requested to support the absence it must be provided, failure to do so will result in the absence being unauthorised.

If your child is absent we will:

- Email you via Arbor on the first day of absence if we have not heard from you however it is your responsibility to contact us. We will also make a number of calls on the first day of absence to check if there is anything we can do to support your child returning to school during that day.
- Meet with your child about their attendance if they have had one session absent in the previous week.

- Call parent/s or carer/s if their child is absent 6 or more sessions due to illness for a more detailed discussion.
- Invite you in to school to discuss the situation with our Attendance Officer and or the Year Manager/Head of Year if absences persist.
- Ask Aquinas (School Attendance Provisions) Ltd. to communicate with you regarding the legal processes surrounding repeated absence.
- Within 8 school weeks prior to making a referral to the Attendance Compliance Team, Parent(s)/Carers (s) will be offered an attendance meeting with Aquinas (School Attendance Provisions) Ltd., in writing, with at least 7 days' notice in advance of the scheduled meeting
- Refer the matter to the Local Authority for relevant sanctions if attendance deteriorates following the above actions.

We will mark absence due to illness as authorised (although you may be asked to provide medical evidence for your child before this can be authorised).

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

4.3 Planned absence

Attending a medical or dental appointment will be counted as authorised as long as the pupil's parent/carer notifies the school in advance of the appointment.

Forms to notify of planned absence can be found on our website:

<https://pmsc.school/absence/>

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

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

4.4 Lateness and punctuality

Poor punctuality is not acceptable. If a child misses the start of the day they can miss work and not spend time with their class teacher getting vital information and news for the day. Late arriving pupils

also disrupt lessons, 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.

How we manage lateness:

The school day starts at **8.15 am** when children can begin to come into school. Registers are taken at **8.30 am** and your child will receive a late mark 'L' if they are not in by that time.

The lateness protocol details the actions that will be taken for any students arriving after 8:25am.

A late note or telephone call to the absence line from parents/carers should be produced for the register in order that the late arrival can be authorised.

As part of our continued drive to ensure all students are punctual to school, detentions will be set and actions taken according to the lateness protocol, for any student arriving after 8.25am without good reason.

If your child has a persistent late record you will be asked to meet a member of the Pastoral team depending on how often your student is late in line with our lateness protocol. There is a graduated approach when challenging poor punctuality and necessary support and intervention will be put in place to support the student. As a parent or guardian you can approach us at any time if you are having problems getting your child to school on time. We expect parents and staff to encourage good punctuality by being good role models to our children and celebrate good class and individual punctuality.

A pupil who arrives late:

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

4.5 Following up absence

Where any child we expect to attend school does not attend, or stops attending, the school will:

- Follow up on their absence with their parent/carer to ascertain the reason, by sending a message through Arbor and following up with a phone call if responses are not received.
- Ensure proper safeguarding action is taken where necessary
- Identify whether the absence is approved or not
- Identify the correct attendance code to use

4.6 Reporting to parents

Parents can view a breakdown of their child's/children's attendance via Arbor.

The termly report to parents will also include their child's attendance on their termly school report.

5. Authorised and unauthorised absence

5.1 Approval for term-time absence

The headteacher will only grant a leave of absence to pupils during term time if they consider there to be 'exceptional circumstances'. A leave of absence is granted at the headteacher's discretion.

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".

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 or his/her designate (not the local authority) 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.

We define 'exceptional circumstances' as:

being of unique and significant emotional, educational or spiritual value to the child which outweighs the loss of teaching time (as determined by the headteacher). 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 consider applications for leave during term time:

- at any time in September. This is very important as your child needs to settle into their new class as quickly as possible.
- during assessment and test periods in the school's calendar affecting your child.
- 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.

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

Valid reasons for **authorised absence** include:

- Illness and medical/dental appointments (see sections 4.2 and 4.3 for more detail)

- Religious observance – where the day is exclusively set apart for religious observance by the religious body to which the pupil's parents belong. If necessary, the school will seek advice from the parents' religious body to confirm whether the day is set apart
- Traveller pupils travelling for occupational purposes – this covers Roma, English and Welsh Gypsies, Irish and Scottish Travellers, Showmen (fairground people) and Circus people, Bargees (occupational boat dwellers) and New Travellers. Absence may be authorised only when a Traveller family is known to be travelling for occupational purposes and has agreed this with the school but it is not known whether the pupil is attending educational provision

5.2 Unauthorised absence

Unauthorised absence includes, however is not exhaustive:

- 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
- shopping trips
- looking after other children or children accompanying siblings or parents to medical appointments
- Illness without appropriate medical evidence, when a significant amount of time off has already occurred due to ill health
- their own or family birthdays
- holidays taken during term time without leave, not deemed 'for exceptional purposes' by the headteacher- may result in the 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.

Whilst any child may occasionally have time off school because they are ill, sometimes they can be reluctant to attend school. Any problems with regular attendance are best sorted out between the school, the parents and the child. If a parent thinks their child is reluctant to attend school then we will work with that family to understand the root problem and provide any necessary support. We can use outside agencies to help with this such as the School Nurse, Local Authority Attendance Compliance Team or a Child and Family Support Worker.

5.3 Reducing persistent absence

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 a parent/carer's full support and cooperation to tackle this.

We monitor all absences, and the reasons that are given, thoroughly. If a child is seen to have reached the Persistent Absence level or is at risk of moving towards that level we will inform the parent/carer. Persistent Absence pupils are tracked and monitored carefully. We also combine this with academic tracking where absence affects attainment. All of our Persistent Absence pupils and their parents are subject to a school based meeting and the plan may include: allocation of additional support through [Aquinas \(School Attendance Provisions\) Ltd](#), the School Nurse, Attendance Officer, [Year Manager/Head of Year](#), Local Authority, Family Solutions or Social Care. We may also use individual incentive programmes, individual targets and participation in group activities to support us in raising attendance.

5.4 Legal sanctions

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

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

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

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

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

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

Prosecution will result in the matter being referred to the Magistrate's Court whereby each parent may receive a fine of up to £2500 and/or up to 3 months in prison. If you are found guilty in court you will receive a criminal conviction.

6. Strategies for promoting attendance

Helping to create a pattern of regular attendance is the responsibility of parents, pupils and all members of school staff.

To help us all to focus on this we will:

- Give parents/carers details on attendance in our newsletters.
- Parents can view a breakdown of their child's/childrens attendance via Go 4 Schools and Arbor.
- Report to parents/carers on their child's attendance on their termly school report.
- Contact parents/carers should their child's attendance fall below the school's target for attendance.
- Celebrate excellent attendance by displaying and reporting class and house achievements
- Reward good or improving attendance

7. Attendance monitoring

7.1 In school monitoring

The attendance officer at our school monitors pupil absence on a daily basis.

A pupil's parent/carer is expected to call the school in the morning if their child is going to be absent due to ill health (see section 4.2).

If a pupil's absence goes above 6 sessions, the school will contact the parent/carer of the pupil to discuss the reasons for this.

If a pupil's absence continues to rise after contacting their parent/carer, we will consider involving an education welfare officer.

The persistent absence threshold is 10%. If a pupil's individual overall absence rate is greater than or equal to 10%, the pupil will be classified as a persistent absentee.

7.2 Use of attendance data

Pupil-level absence data will be collected each term and published at national and local authority level through the DfE's school absence national statistics releases. The underlying school-level absence data is published alongside the national statistics. The school will compare attendance data to the national average, and share this with the governing board.

Attendance data is stored on our school management system as is used to:

- Track the attendance of individual pupils
- Identify whether or not there are particular groups of children whose absences may be a cause for concern
- Monitor and evaluate those children identified as being in need of intervention and support

7.3 Deletion from the school roll

For any pupil leaving Philip Morant School and College, other than at the end of year 11 or 13 parents/carers are required to complete a 'Pupils moving from school' form which can be obtained from the school office. This provides the school with the following information: Child's name, class, current address, 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. Should you opt to homeschool you will be invited in for a meeting or discussion with the Headteacher or Deputy Headteacher to explore the reasons that you wish to remove your child from roll. We will contact you 1 month and 3 months after you have removed your child from the school roll. It is crucial that parents keep the school updated with current addresses and contact details for key family members in case of emergency.

8. Monitoring arrangements

This policy will be reviewed as guidance from the local authority or DfE is updated, and as a minimum annually by the attendance officer/AVP Engagement. At every review, the policy will be approved by the full governing board.

9. Links with other policies

This policy links to the following policies:

- Child protection and safeguarding policy
- Behaviour for learning policy

Appendix 1: Attendance codes

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

Code	Definition	Scenario
/	Present (am)	Pupil is present at morning registration
\	Present (pm)	Pupil is present at afternoon registration
L	Late arrival	Pupil arrives late before register has closed
B	Off-site educational activity	Pupil is at a supervised off-site educational activity approved by the school
D	Dual registered	Pupil is attending a session at another setting where they are also registered
J	Interview	Pupil has an interview with a prospective employer/educational establishment
P	Sporting activity	Pupil is participating in a supervised sporting activity approved by the school
V	Educational trip or visit	Pupil is on an educational visit/trip organised, or approved, by the school
W	Work experience	Pupil is on a work experience placement

Code	Definition	Scenario
Authorised absence		
C	Authorised leave of absence	Pupil has been granted a leave of absence due to exceptional circumstances
E	Excluded	Pupil has been excluded but no alternative provision has been made
H	Authorised holiday	Pupil has been allowed to go on holiday due to exceptional circumstances

I	Illness	School has been notified that a pupil will be absent due to illness
M	Medical/dental appointment	Pupil is at a medical or dental appointment
R	Religious observance	Pupil is taking part in a day of religious observance
S	Study leave	Year 11 pupil is on study leave during their public examinations
T	Gypsy, Roma and Traveller absence	Pupil from a Traveller community is travelling, as agreed with the school
Unauthorised absence		
G	Unauthorised holiday	Pupil is on a holiday that was not approved by the school
N	Reason not provided	Pupil is absent for an unknown reason (this code should be amended when the reason emerges, or replaced with code O if no reason for absence has been provided after a reasonable amount of time)
O	Unauthorised absence	School is not satisfied with reason for pupil's absence
U	Arrival after registration	Pupil arrived at school after the register closed

Code	Definition	Scenario
X	Not required to be in school	Pupil of non-compulsory school age is not required to attend
Y	Unable to attend due to exceptional circumstances	School site is closed, there is disruption to travel as a result of a local/national emergency, or pupil is in custody

Z	Pupil not on admission register	Register set up but pupil has not yet joined the school
#	Planned school closure	Whole or partial school closure due to half-term/bank holiday/INSET day

**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 the 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

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

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.

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.

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

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

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 schools 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.

COORDINATION 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.

Revised March 2019 for implementation from April 2019